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DEMOCRACY OR THE DEMAGOGUE

BY ARISTOTLE

THE most pure democracy is that which is called so principally from the equality which prevails in it: for this is what the law in that state directs, that the poor shall be in no greater subjection than the rich; and that the supreme power shall not be lodged with either of these, but that both shall share it alike. For if liberty and equality, as some persons suppose, are chiefly to be found in a democracy, it must be most so, by every department of government being alike open to all; but as the people are the majority, and what they vote is law, it follows that such a state must be a democracy. This, then, is one species of a democratic government.

Another is, when the magistrates are elected by a certain census, the standard of which is low; and where every one who possesses property ought to have a share in the government, but as soon as he has lost that property, he ought no longer. Another sort is, that in which every man who is not under ban has a share in the government, but where the government is in the law. Another, where

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every one, provided he be a citizen, has this right, but where the government is in the law.

Another is the same with these in other particulars, but allows the people and not the law to be supreme; and this takes place when everything is determined by a majority of votes, and not by a law, a thing which happens by reason of the demagogues. For where a democracy is governed by stated laws, there is no room for a demagogue, but men of worth fill the first offices in the state; but where the power is not vested in the laws, there demagogues abound. For there the people's voice becomes that of a king, the whole composing one body; for they are supreme, not as individuals, but in their collective capacity. Homer also says,

"Ill fares it, where the multitude hath sway";

but whether he means this kind of democracy, or one where the many are individually supreme, is uncertain. Now, when the people possess this power, they desire to be altogether absolute, that they may not be under the control of the law, and they grow despotical, so that flatterers are held in repute; and such a people become analogous to tyranny among the forms of monarchy; for their manners are the same, and they both hold a despotic power over better persons than themselves. For their decrees are like the others' edicts; and a demagogue with them is like a flatterer among the others; but both these two classes abound with each, flatterers with tyrants, and demagogues among such a people. And to them it is owing that the supreme power is lodged in the votes of the people, and not in written laws; for they bring everything before them. And this they do because they have influence, on account of the supreme power being lodged in the people; for these are they whom the multitude obey. Besides, those who inveigh against rulers are wont to say that the people ought to be the judges of their conduct; and the people gladly receive their complaints as the means of destroying all their offices.

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Any one, therefore, may with great justice blame such a government by calling it a democracy, and not a free state; for where the government is not vested in the laws, then there is no free state, for the law ought to be supreme over all things; and particularly incidents which arise, should be determined by the magistrates or by the state. If, therefore, a democracy is to be reckoned as one among free states, it is evident that any such establishment which centres all power in the votes of the people cannot, properly speaking, be a democracy; for their decrees cannot be general in their extent. Let this, then, be our description of the several species of democracies.

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We ought now to inquire separately into the events which will arise from these causes in each species of government. Democracies will be most subject to revolutions from the dishonesty of their demagogues; for partly by informing against men of property, and partly by rousing the common people against them, they induce them to join together, for a common fear will make the greatest enemies unite:—and this is what any one may continually see practised in many states. In the island of Cos, for instance, the democracy was subverted by the wickedness of the demagogues, for the nobles entered into a combination with each other. And at Rhodes, the demagogues distributed bribes, and so prevented the people from paying the Trierarchs what was owing to them; and the latter were obliged, by the number of actions brought against them, to conspire together and destroy the popular state.

The popular state too was overthrown at Heraclea, soon after the settlement of the city, by the same persons; for the citizens of note, being ill-treated by them, quitted the city, but afterwards the exiles banded together and returned, and overthrew the popular state. Just in the same manner the democracy was destroyed in Megara; for there

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the demagogues, to procure money by confiscations, kept on driving out the nobles, until the number of those who were banished became considerable; and those returned and got the better of the people in a battle, and so established an oligarchy. The like happened at Cyme, during the time of the democracy which Thrasymachus destroyed; and whoever considers what has happened in other states may perceive that revolutions have arisen from the same causes. For often, to curry favor with the people, they drive the nobles to conspire together, either by dividing their estates, or by obliging them to spend them on public services, or by publicly impeaching them, that they may be able to confiscate the fortunes of the wealthy.

In former times, whenever the same person was both demagogue and general, the democracies were changed into tyrannies; and indeed most of the ancient tyrants were once demagogues. And there is a reason why such was the case at that time, but not now; for at that time the demagogues were of the soldiery; (for they were not as yet powerful by their eloquence); but now that the art of oratory is cultivated, the able speakers lead the people; but, as they are unqualified to act in a military capacity, they cannot impose themselves on the people as tyrants, if we except one or two trifling instances. Formerly, too, tyrannies were more common than now, because great powers were more often intrusted to some magistrates then than now (as to the Prytanes at Miletus; for they were supreme in many things of the last consequence); and also because at that time the cities were not of that very great extent, and the people in general lived in the country, employed in husbandry, the leaders of public affairs, if they had a turn for war, tried to make themselves tyrants.

All this they did as soon as they had gained the confidence of the people; and this confidence was their hatred to the rich. This was the case of Pisistratus at Athens, when he opposed the Pediaeans: and of Theaganes in Megara, who slaughtered the cattle belonging to the

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rich, after he had seized those who kept them by the river-side. Theagenes also, on account of having accused Daphnaeus and the rich, was thought worthy of being raised to a tyranny, for in consequence of these enmities the people trusted him as a man of popular principles.

Governments also alter from their ancient democratic form into one entirely new; for where magistrates are elected without a fixed income, and the election is with the people, the aspirants for office, to flatter them, endeavour with all their power to make the people superior even to the laws.

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It is very right that the many should have the greatest powers in their own hands; for the people, the council, and the judges are composed of them, and the property of all these collectively is more than the property of any person, or of a few who fill the great offices of the state; and thus let us determine these points.

But the first question that we stated shows nothing besides so plainly as that the supreme power should be lodged in laws duly made, and that the magistrate, or magistrates (either one or more), should be authorized to determine those cases on which the laws cannot define particularly; as it is impossible for them, in general language, to explain themselves upon everything that may arise. But what these laws are, which are established upon the best foundations, has not been yet explained, but still remains a matter of some question: but the laws of every state will necessarily be like the state itself, either trifling or excellent, just or unjust; for it is evident that the laws which are framed must correspond to the constitution of the government; and if so, it is plain that a well-formed government will have good laws, a bad one, bad ones.

And for this reason it is as much a man's duty to submit to command as to assume it, and this also by rotation; for this is law, for order is law; and it is more proper that

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the law should govern, than any one of the citizens. Upon the same principle, if it is advantageous to place the supreme power in some particular persons, they should be appointed to be only guardians and servants of the laws, for the supreme power must be placed somewhere; but they say that it is unjust that, where all are equal, one person should continually enjoy it. But man would scarcely be able to adjust that which the law cannot determine. It may be replied that the law, having purposely laid down the best rules, leaves the rest to be adjusted by the most fair decision, and to be regulated by the magistrates; besides, it allows anything to be altered which experience proves may be better established.

Moreover, he who bids the law to be supreme, makes God supreme (and the laws); but he who intrusts man with supreme power gives it to a wild beast, for such his appetites sometimes make him; passion, too, influences those who are in power, even the very best of men; for which reason the law is intellect free from appetite.

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There are three qualifications necessary for those who intend to fill the first departments in government; first of all, an affection for the established constitution; in the second place, abilities wholly equal to the business of their office; in the third place, virtue and justice correspondent to the nature of that particular state in which they are placed; for if justice is not the same in all states, it is evident that there must be different species of it.

There may be some doubt, when all these qualifications do not meet in the same person, in what manner the choice shall be made; as, for instance, suppose that one person is an accomplished general, but a bad man, and no friend to the constitution, while another is just, and a friend to it, how ought the choice to be made? We should then consider, of two qualities, which of them the generality possess in a greater, and which in a less, degree. For this reason,

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in the choice of a general we should regard his courage more than his character, as the more uncommon quality; as fewer men partake of military skill than of virtue; but, to protect the state or manage the finances, the contrary rule should be followed; for these require greater virtue than that which the generality possess, but mere knowledge is common to all.

It may be questioned, if a man has abilities for statesmanship, and is well affected to the constitution, what occasion is there for being virtuous, since these two things alone are sufficient to render him useful to the public? But it is of use, because those who possess the above qualities are often deficient in prudence; for, as men often neglect their own affairs, though they know them, and love themselves, so nothing will prevent them from being disposed towards the commonwealth in the same manner.

In short, whatever is contained in the laws, and which we allow to be useful to states, all contributes to preserve the state; but its principal support (as has been often urged) is to secure that the number of those who desire to preserve it shall be greater than of those who wish to destroy it.

Above all things, one must not be forgotten, though it is forgotten by many governments which are now corrupted, namely, the mean. For many things which seem favourable to a democracy destroy a democracy, and many which seem favourable to an oligarchy, tend to destroy it. Those who think this the only virtue extend it to an excess; for they do not consider that as a nose which varies a little from perfect straightness, either towards being aquiline or flat, may yet be beautiful and agreeable to look at, but that still if any one extend this variation too far, first of all the properties of the part itself will be lost, till at last it can hardly be admitted to be a nose at all, on account of the excess of the rise or sinking—that thus, I say, it is with other parts of the human body. So also the same thing is true with respect to the other states; for

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both an oligarchy and a democracy may vary somewhat from their most perfect form, and yet be well constituted; but if any one endeavors to extend either of them too far, at first he will make the government worse, but at last he will bring it to no government at all.

The lawgiver and the politician, then, should know well what preserves and what destroys the democracy of the people or the oligarchy of the few; for neither the one nor the other can possibly continue without both rich and poor; but that whenever an entire equality of circumstances prevails, the state must necessarily become of another form; so that those who destroy these laws which authorize an inequality destroy the government. . . . But of all things hitherto mentioned, that which contributes most to preserve the state is, what is now most despised, to educate children with reference to the state; for the most useful laws, and most approved by every statesman, will be of no service, if the citizens are not accustomed to and brought up in the principles of the constitution; of a democracy, if that form is by law established; or an oligarchy, if it be an oligarchy. For if there is such a thing as incontinence in an individual, there is also in a city. But to educate a child in a way fitting to the state, is not to do such things as will gratify those who have the power in an oligarchy, or who desire a democracy, but to do those things whereby they will be able to conduct respectively either of these forms of governments. But now the children of the magistrates in an oligarchy are brought up delicately, and the children of the poor are made hardy with exercise and labour; so that they are both desirous of change, and able to promote it. In democracies of the purest form a method is pursued which is contrary to their welfare; the reason of which is that they define freedom wrongly.

Now, there are two things which seem to be the limits of a democracy, that the people in general are supreme, and enjoy freedom; for that which is just seems to be equal, and it is just that what the people determine should be

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supreme. Now, their freedom and equality consist in every one's doing as he pleases. So that, in such a democracy every one may live as he likes; "as leads his bent," to use the words of Euripides. But this is wrong, for no one ought to think it slavery to live in conformity with government, but protection. The causes, then, of corruption in different states, and the means of their preservation and continuance, to speak simply, are such as we have related.

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Demagogues are of two sorts; the one flatter the few when they are in power: for even among the few there are demagogues; such were Charicles and his followers at Athens, who had great influence over the Thirty; and, in the same manner, Phrynichus over the Four Hundred. The others are those demagogues who have a share in the oligarchy and flatter the people; such were the state-guardians at Larissa, who flattered the people, because they were elected by them. And this will always happen in every oligarchy where the magistrates do not elect themselves, but are chosen out of men either of great fortune or certain ranks by the soldiers or by the people, as was the custom at Abydos. And when the judicial department is not in the hands of the supreme power, the demagogues favour the people in their causes, and so overturn the government; which happened at Heraclea in Pontus.

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Revolutions also sometimes take place in a democracy, though more seldom; for where the poor increase faster than men of property, the state becomes an oligarchy or dynasty. Governments also sometimes alter without seditions: by petty contention, as at Heraea: for which purpose they changed the mode of election from votes to lots, and thus got the contentious parties chosen; and by negligence, as when the citizens admit to state offices men who are not friends to the constitution: an event which

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happened at Orus, when the oligarchy of the archons was suppressed at the election of Heracleodorus, who changed that form of government into a democratic free state.

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In general, then, the beginnings and causes of seditions in all states are such as I have now described, and revolutions in them are brought about in two ways, either by violence or fraud; and if by violence, then either at first or by compelling them afterwards to submit. They may also be brought about by fraud in two different ways, either when the people, being at first deceived, willingly consent to an alteration in their government, but are afterwards obliged by force to abide by it; as, for instance, when the Four Hundred imposed upon the people, by telling them that the king of Persia would supply them with money for the war against the Lacedaemonians; and after they had been guilty of this lie, they endeavoured to keep possession of the supreme power; or when they are at first persuaded, and afterwards consent to be governed. By one or other, then, of the methods above mentioned, all revolutions in governments are brought about.

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It follows next that we consider the means of preserving both governments in general, and each state in particular. In the first place, then, it is evident, that if we are right as to the causes of their destruction, we know also the means of their preservation; for things contrary produce contrary effects; but destruction and preservation are contrary to each other. In well-tempered governments, it requires much care to watch that nothing be done contrary to law: and this ought chiefly to be attended to in matters of small consequence; for a small transgression comes on with secret step, just as in a family small expenses when often repeated consume a man's income. For the understanding is deceived thereby, as it were by this sophism, "if every part is little, then the whole is little."

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Now, this in one sense is true, but in another it is false, for the whole and all the parts together are large, though made up of small parts. This first step, therefore, in any matter is what the state ought to guard against. In the next place, no credit ought to be given to those arguments which are composed to deceive the people; for they are confuted by facts. But what we mean by the sophistical devices of states has been already mentioned. You may often perceive both aristocracies and oligarchies continuing firm, not from the stability of their forms of government, but from the wise conduct of the magistrates, both towards those who have a part in the management of public affairs, and those also who have not: towards those who have not, by never injuring them, and by introducing those who are of the most consequence amongst them into office, and by never harshly disgracing those who are desirous of honour, or injuring the multitude for the sake of gain; towards themselves and those who have a share, by behaving justly towards each other.

For that equality which the favourers of a democracy seek to establish in the state is not only just, but convenient also, amongst those who are of the same rank. And for this reason, if the administration is in the hands of the many, several rules which are established in democracies will be very useful; as to let no one continue in office longer than six months, so that all of the same rank may have their turn; for between these there is a sort of democracy, for which reason demagogues are most likely to arise up amongst them, as we have already mentioned.

Besides, by this means both aristocracies and democracies will be the less liable to be corrupted into dynasties. And this, because it will not be easy for those who are magistrates for a short time to do as much mischief as they could in a long time; for it is from hence that tyrannies arise in democracies and oligarchies; for either those who are most powerful in each state establish a tyranny, as the demagogues in the one and the despots in the other,

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or else this is done by the chief magistrates when they are long in power.

Governments are preserved, not only by having the means of their corruption at a great distance, but sometimes also by its being very near them; for those who are in continual fear, keep a stricter hand over the state; for which reason it is necessary for those who have the care of the constitution to be able to awaken the fears of the people, that they may preserve it, and not to be remiss in protecting the state, as a night watch, but to make the distant danger appear at hand.

ARISTOTLE.

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NORTH AMERICA AND FRANCE*

BY GABRIEL HANOTAUX, MEMBER OF THE "ACADÉMIE FRANÇAISE," PRESIDENT OF THE "COMITÉ FRANCE-AMÉRIQUE"

I

If one may judge from the increasing number of sympathetic manifestations on both sides of the Atlantic and from the individual and organized efforts to effect a useful exchange of ideas, France on the one hand and the people of North America on the other are seeking to revive the intimate relations which so long united them. The barrier due to mutual ignorance is disappearing. This much accomplished, the road to full understanding and unity will be a smooth one.

Many prejudices certainly still exist to cloud the brains and hearts of both people; nor is this to be wondered at when we consider how we have been belittled and how zealously we have labored to belittle ourselves. How many books have been written about France by Frenchmen, apparently with no other object than to establish the inferiority of the French race, to picture its rapid decadence, its mortal maladies, and its inevitable ruin; a look abroad suffices to demonstrate that others also have their struggles, their crises, and are also hampered by their weaknesses and their impotence.

Every failure in the field of letters or of action holds the fatherland responsible for his defeat. The malicious talk of such men, though it deceives no one at home, is carefully garnered, edited, and published broadcast by our adversaries and competitors; and years are required to repair the damage done by one hour's imprudence. How may we protect France against her own children thus furnishing arms to her enemies?

* Translated by Paul Fuller, Jr.

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France has qualified advocates abroad: its diplomats and consuls. But with some very fortunate exceptions these men bury themselves in the technical details of their work, or within the narrow compass of the social world to which they are confined. They have no direct contact with public opinion. They have an aversion for the press, which is reciprocated. And even if they undertook the struggle, would their voices be heard in the midst of the public clamor?

The universe has become one immense magnetic field where news is flashed from point to point. This is not a metaphor, but the statement of a fact. One experiences this bewildering sensation in crossing the ocean on a modern steamer. We are never beyond the murmur of one or the other continent; it reaches the vessel from every point of the zodiac. The antennæ of the Marconi wireless, reaching over the heavens, gather in every utterance, and when the distance cuts off direct communication with land the messages are relayed from vessel to vessel like echoes from the far-distant shore. The daily paper is brought out, giving to the idlers on the deck the news of the world. Moreover, the confidential *Havas* reach the captain, giving him records of sky and sea and winds. It is one perpetual vibration. The humblest passenger may now be thrilled by such an address as so flattered the vanity of Victor Hugo: "So-and-so—on the ocean."

Publicity encircles the globe with one unbroken wire. Everything is known—at the same moment, at every point. The ambassador of the United States, Mr. Herrick, said recently in an interesting speech: "Every idea, as soon as born, is now submitted to the censure of the thinker and of the crowd"; and this word means with Americans not only the spirit of criticism and investigation, but well-considered action, thought scrutinizing itself.

From continent to continent sound-waves are prolonged and multiplied, lowering the barriers between them. Michelet was right. The ocean does not separate us; it brings us together.

Such are without doubt the proximate causes of the very noticeable advance in the reciprocal understanding of France and North America, but this understanding was made possible by other elements more ancient and more active and more durable. We have, to begin with, very lofty historical traditions common to both people. Reaching

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back to the discovery of the new continent and the very beginnings of most American colonization, these traditions had become attenuated and almost obscured as a result of military disasters which made way for British hegemony. These traditions are now being revivified, not unlike a faded pastel whose colors are revived.

Dormant sympathies are reawakening, and the heroes of either country are being honored in the other. We must admit the fact that in this race of remembrance, as in many other things, we are outdone by the Americans. In the United States the name of Lafayette is, so to speak, "constitutional." It is not without deep emotion that the French visitor sees in the Hall of Congress on either side of the Speaker's chair two portraits, equal in size and in prominence, watching over the deliberations of the assembly: Washington and Lafayette. Similar monuments are reverently cared for throughout the United States. The American people refuse to forget that two stars which form part of their constellation are French: Maine and Louisiana, names, respectively, of one of our provinces and of one of our kings; they will not forget that a number of their cities are of French origin, and that French blood and French sentiment are everywhere at the base of the magnificent edifice of the Union.

Champlain, who was already great, is now becoming greater, after the lapse of three centuries. He is called in Canada the "Father of the Country." The United States look upon him as the pioneer who first placed his footprints on the sands, or rather in the snows, of their continent. He had, in fact, a seer's insight not only into the future of that region where he founded his empire, but he saw beyond space and time, and his view included the whole northern continent.

I wish to recall briefly the most striking characteristics of the admirable life of this great Frenchman; and, to make the picture clearer and bring it closer to our own day, let me parallel him with Brazza. Both were at once explorers and creators; men of labor, of courage, and of high prophetic vision. Great tasks choose great men, and the workers of the first hour are always and always remain in everything, the first.

Samuel Champlain was not the first of the pioneers sent by France into North America. Others had appeared before

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him; as, for example, Verrazano, who explored the North Atlantic under orders from Francis I., and who, having strayed during his second voyage into southern seas, was finally captured and became the victim of the cannibals of Brazil. The hope of discovering a northern passage to India kept imaginations aglow during the sixteenth century. A zest for the impossible is a French leaven. Nothing tempts their fine courage so much as the risk of death; the common sense of the race is heightened and enlivened by a strain of folly. After the death of Verrazano the famous son of St. Malo, Jacques Cartier, became in turn the navigator of the king, and renewed the enterprise. Cartier belongs by right among the great navigators of his time. There can be no doubt that he was known to Rabelais, who found in him the original of the fabled traveler in search of the "Holy Bottle."

Champlain has won even the consecration of success. He realized the dream of his predecessors and founded a "New France," and his work was done with such energy, patience, hardihood, and good-humor that he may well be taken as an excellent type of Frenchman. Would that our colonists of to-day might get inspiration from his example, for they have before them an immense field in which to sow the seed of future nations. With this hope I emphasize the leading traits of his character; for what he did was mainly because of the way in which he did it.

In his *Traité de la Marine et du Bon Marinier* he gives us a perfect image of the "Captain Courageous." The good mariner, he tells us, must be robust and resourceful; he must be the sailor born. He must be unwearied under the stress of work and suffering, so that whatever the accident, he will still be ready to take his stand on the bridge and with strong voice command each to his allotted task. On occasions he must not be ashamed to put his own hand to the task and thus inspire the activity of his sailors and prevent the possibility of disorder. He alone must speak to avoid diversity of orders, so that, especially in moments of risk, no wrong manœuver shall be made.

He must be gentle and affable in conversation, absolute in command, not too familiar with his comrades, unless it be with those also in command. Nor, if he is wise and well advised, will he so wholly rely on his own judgment, more especially when something of unusual consequence is

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at hand, as not to take counsel of those whom he knows to be the best informed, and in particular of the older navigators who have oftenest met the fortunes of the sea. He must be liberal and courteous to the vanquished, giving them the benefits of the laws of war. Above all, he must keep his word if he has made any agreement. He must set aside all cruelty and all revenge. If he makes use of his victory with courtesy and moderation he will be esteemed by all, even by his enemies, who will render him all honor and respect.

Such was the French manner of the old school.

What was accomplished by the men who lived according to these rules of conduct can only be explained by their perfect balance and by their great strength, moral and physical. From 1603 to 1633 Champlain crossed the Atlantic twenty-four times in vessels which for tonnage and seaworthiness were certainly not the equal of the steamers' life-boats of to-day. He suffered storm and tempest, illness, the fatigues both of war and of peace, rebellion, ambush, treason—all the obstacles of nature by sea and land, at home and on the wild continents of America. But what he dreaded most among all these dangers was sailing among the waters of politics and Court intrigue; but there, as elsewhere, "he held his rudder straight."

He was the first to cross the American continent from Hudson Bay to sites occupied to-day by Boston and New York; he made an excursion into the interior as far as the Great Lakes, and understood the future of the Mississippi as the central artery of a vast dominion. In his youth he had traveled through Mexico and the Isthmus of Panama, and prophesied the piercing of a canal which should some day open communication between the two oceans. With the instinct of the pioneer, he could foretell from the physical conformation of a country the location and the prosperity of the future metropolis. He outlined the domain which was destined to become the United States and over which he had hoped for French domination. He founded Quebec and fixed upon the site of Montreal. He freed the spirit of the time from the prejudice for gold, and taught that every colony in North America should depend primarily on the cultivation of the land and be sufficient unto itself. He had the rare good sense always to see things not only as they were, but as they should be and as they were destined to be in the future.

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But powerful as was his imagination, he was cautious in his every step, measuring his ground with the same slowness and the same minute precaution as if he had not had a world to open and an empire to found. After establishing the city of Quebec in the midst of savages, he was called upon to defend it against the English. He lost it after a long siege, and recovered it after laborious negotiations, of which he was the soul, and in the course of which he led the will and the hand of Richelieu.

Such a man was Champlain, and those who have read his history in the charming and *naïf* memoirs in which he has told it (and pictured it) well know that he had about him many men like himself. He is not an exception to the men of his time. Those generations have spread abroad the good name of France. It will not be forgotten in America as long as their works remain; and as they have been left as a legacy to a people born of many races, they are imperishable.

The colony which Champlain had founded, Montcalm defended, and he perished under its ruins. The parallel of the two centuries is written in their two lives. Champlain in the midst of all his hindrances was understood and supported by his chiefs, Henry IV. and Richelieu. Montcalm, whose success even was debated, was finally left to his own resources. Champlain, a man of small estate, the child of his own works, entire in his own vigor and strength, appears a rough and rugged champion. Montcalm, a colonial Vauvenargues, gentleman and soldier, elegant and refined, or, to use his own expression, a Christian and citizen, accepted a task not of his own choosing, and moved forward to its accomplishment urged on not by choice, but by a sense of duty. His wonderful clearness of vision made him aware that the cause for which he was fighting was a lost one, and, after having twice saved it when on the verge of ruin, he finally succumbed with the heroic grace of the gladiator saluting the prince for whom he is about to die.

What a flowery garland could be woven from the letters to his wife and his mother and from the *Journal* published by L'Abbé Casgrain! It is the breviary of the gentleman. He moves in a world at once brutal and heroic, candid and depraved, the colonial world of the eighteenth century, where sea-rovers elbow Pauls and Virginias. Around him extortion and corruption thrive, and yet, at the call of the chief,

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soldiers, Canadians, and savages unite as one people to meet the hour of peril in stubborn fight. What complexity of social life, what difficulties for a commander, what hindrances in the handling of such varying characters, what contrasts! Barbarism cheek by jowl with refined civilization. Dancing, gambling, and dissipation in a capital where want has entered and which the enemy will soon surprise. Money and provisions are wasted in the shadow of an impending siege which must be met with forces and resources lamentably lacking. An ultra example indeed of eighteenth-century France. All alike, the light-headed or knavish did not merely consign others to the deluge; they defied it for themselves.

It must not be thought that in the midst of this society, so worthless and so corrupt and so daring, Montcalm plays the part of the knight of the melancholy countenance. He joins in the balls and festivities, gambling and dancing with the others, but he sees and he foresees. On his return at night he makes his sorrowful confidences to his journal:

"Fearful want at Quebec . . . balls, pastimes, house-parties, high stakes in play at the present moment. . . ."

And again:

"Amusements (in spite of the misery and the approaching loss of the colony) have been lively at Quebec. There have never been as many balls and such high gaming. . . . Who in the devil knows where we shall be in November [written in January, his defeat and death followed in September]. When will the curtain fall upon the play we are acting in Canada? . . . I foresee with sorrow the difficulties of the coming campaign. . . . If the war endures, the colony will perish from exhaustion, even should it not succumb to the superior forces of the enemy. . . ."

And a little later, in March, when the campaign is about to open:

"Unless saved by unlooked-for good-fortune, Canada will be taken during this campaign, or surely in the next. The English have 60,000 men, and we but 10,000 or 11,000 at the utmost. It seems that all are hastening to make their fortune before the loss of the colony, which many, perhaps, wish for, as an impenetrable veil to cover their conduct."

Finally, on the 16th of May, 1759, when the *Maréchal de Belle-Isle* had written him from the Ministry, "You must not hope for further reinforcements," adding, as one soldier to another, "I have answered for you to the King, I am quite confident that you will not belie me, and that for the good of the State, the glory of the nation, and your own

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preservation you will go to the last extremities rather than ever surrender," he answers with this promise, which its fulfilment makes sublime: "I make bold to assure you of my fixed resolution to save this colony or to give up my life. I beg you to stand sponsor for this with his Majesty."

The postscript to this may be found in a letter charged with suppressed emotion which Montcalm wrote to his wife on the 21st of May:

"Bourlamaque is already in the field, and I think that I shall not delay in following him. I think that I should have renounced all honors in order to join you [he had been led to expect the Baton of Maréchal of France], but I must obey the King. The moment when I shall see you again will be the happiest of my life. Adieu, dear heart. I think I love you even more than ever before."

Montcalm died, as he had said, at the same time as the colony. Killed in the battle of the Plains of Abraham, he was afterward, according to accredited tradition, buried in a hole made by a bomb at the foot of the wall of the Convent of the Ursulines. Such deaths are examples which do not die. It is Montcalm who graved chivalry in the mind of America as a trait of the French race. "Chivalrous France" is a truism in America. Truisms merely consecrate the authority of the established fact; to impress a truism on the memory of men is to achieve glory.

Disinterested glory. This is the advantage secured by France in America as the result of the expedition of Lafayette and his companions in arms. It has been often said that France, in intervening in the War of Independence, was taking advantage of a favorable opportunity to seek vengeance on Great Britain, to advance her own prestige, and to re-establish the balance of power in Europe and on the sea. This may be true, especially after 1780, when Vergennes advised the king to send to America the relieving army commanded by Rochambeau. But the coming of the volunteers, Lafayette, Noailles, Segur, in 1776, was of an altogether different character. These were truly the "paladins" of liberty. The affection which united Washington and Lafayette, the grave chief and the elegant gentleman, the attachment which Lafayette, the "soldiers' friend," inspired in the hearts of the American militia, these facts crystallize historical truth—the truth that excites the imagination of the people and leaves the only durable and fruitful impress which gives birth to the legend.

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To all future generations in America the mention of France will evoke this legend and keep alive the names of Champlain and Montcalm. It will remain a living force throughout the length and breadth of the continent by the great deeds it will continue to inspire. When, after 1815, the soldiers of Napoleon had carried overseas the overflow of that activity which had wearied Europe, public opinion accepted the legacy which France of the eighteenth century thus made, and France was no longer free to further waste it. We are reminded of Balzac's phrase in *La Duchesse de Langeais: "Il y a donc de la France partout, dit un soldat!"*

The discredit cast in North America upon the work of France is surprising when we consider the influence of her philosophers of the eighteenth century upon the genesis of the American Constitution. It suffices to read that work itself, to examine the *Federalist* and the other writings left by the authors of the Constitution, to discover, as stated by Mr. Esmein, that "Montesquieu was their oracle," not only, as has been said, as a disciple of the English constitution, but as the genial and clear-sighted commentator on the *Spirit of Laws.* It was to Montesquieu, philosopher and theorist, that they appealed for the theories and philosophy of a Federal Government, the separation of its three powers and the origin of popular sovereignty.

Jean Jacques Rousseau, Malby, Delorme, Raynal were studied with like attention; and as to Rousseau, America, in common with all nations of the eighteenth century, was under the influence of his genius. The idea of the "Contrat Social" rejoiced the souls of these "insurgents" who had broken the traditional bond which linked them to the British Crown. One of the earliest State constitutions, that of the State of Virginia, adopted on the 12th of June, 1772 (and the influence of Virginia on the destinies of the future federation is well known), begins with the Declaration of the Rights of Man, which is neither more nor less than the application of the theories of the "Contrat Social."

This is not the place to press farther a demonstration which could involve more extended and minute researches. Suffice it to recall one known fact—namely, that in 1776 (at the time when France had determined to intervene in the quarrel and thus bring to the rebelling colonies a moral support no less valuable than the military and pecuniary

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assistance it afforded) Paris—the Paris of the sons of Jean Jacques—Paris, already big with her own revolution, dreamed of nothing but the American Constitution. "There existed a universal spirit of exaltation," wrote Madame Campan. "There was scarcely a gathering where the aid of the French Government to the cause of American independence failed to elicit enthusiastic approbation. America's expected Constitution was being formulated in Paris, while liberty, equality, and the rights of men formed the subject of the deliberations of Condorcet, Bailly, Mirabeau, etc."

To peoples in need of a constitution Condorcet was in the first rank of "Constitution-makers by Special Patent." Being consulted, he began in his *Lettres à un citoyen de Virginie* ("Letters to a Citizen of Virginia") the rôle which he was to play in France eighteen years later. Mr. Jules Roche has already pointed out that in the theories of Condorcet are to be found the principles which dominate the American Constitution: the natural rights of man as antecedent to social institutions, the separation of the legislative power and the domain of law, proportional taxation, the establishment of a supreme court, etc.

Certainly other influences were brought to bear; neither Holland, Germany, nor Switzerland was ignored in the minds of the men who founded, after mature deliberation and with full knowledge, a federative and democratic republic. Greater still is the British influence which permeates it; but to say that this influence predominated in the perfected Constitution would be a singular misuse of words. It may, on the contrary, be asserted that in the minds of the authors of the Constitution there was a clear purpose to establish an antithesis of the English system. Instead of a monarchy, they founded a republic; rejecting the hereditary principle, they subjected the entire constitutional system to election; instead of the parliamentary régime, they freed the Chief Executive as far as possible from the authority of Parliament; no responsible ministers; no cabinet; a federation of local parliaments minimizing the functions of the Federal Parliament.

The landed proprietors, the slave-holders, the men of high position, who were at the head of the movement, took no account of the creation of castes or the consolidation of privileges; they adopted without reserve the principle (at

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that time almost entirely theoretical) of entire equality. There can be no question here of saving and renovating an old civilization; it was a new civilization brought into being.

The principle of equality is eminently a colonial one. The moment a man establishes himself on a new land he feels more completely master of his own activity, of his own work, of his own social existence; he denies the right of his neighbor to interfere with him; he will move away, if need be, and settle farther off in the forest, on the pampas or the plain. Man to man, the only measure—that is the colonial law in its essence. The right of conquest, hereditary or traditional claims have no place in such an environment. Such minds, evangelized by the Scriptures, made unbending in the school of Puritan pride or Huguenot rebellion, were peculiarly hospitable to the theories which had been spread abroad by eighteenth-century France and by the Encyclopedists (themselves the pupils of Locke and the Protestant publicists of the sixteenth century).

If the intellectual relationship between the two democracies which are founded on the principle of equality had not been demonstrated by history, the very elements of logic would furnish proof of it; the American Constitution-makers could not escape from the controlling ideas of their century; a career such as that of Thomas Paine will explain more clearly than all dissertations and more or less ingenious juxtapositions the analogy of ideas and sentiments which existed between the insurgent publicists and the framers of the American Constitution on the one hand and the French philosophers and revolutionists on the other. Here we have a living demonstration—a demonstration of flesh and blood. *Common Sense* and the *Crisis*, which were spread broadcast in thousands of copies (1776–1778), made known the new doctrine wherever the American people read and reflected. The new ideas were in a measure grafted on principles of Puritan and Britannic origin. In this way was formed the fusion, which was to mature under the experienced guidance of the American people, long since molded in the ways of freedom.

The American Constitution, a combination of the principles, reasoning, and procedure brought together from the most diverse civilizations and refashioned by American thought, belongs properly nevertheless to the soil on which it was born; yet no one can deny that it was, so to speak,

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watered and fertilized by Cartesian and French philosophic idealism and nationalism. French influence in the American Constitution is as real and as present as the alliance with France was and still is in the great work of American independence.

The fact of this influence was first questioned, then denied. Its existence, however, is attested by the sentiments of the two people, and by another phenomenon which cannot be otherwise explained—namely, the analogy between the principles of the two republics, which have survived a century and a half, on both sides of the Atlantic; and the phenomenon is all the more singular when we realize that the new régime ran contrary to all established customs and laws. On the other hand, if the political system of America is different from that of England, its customs, intellectual habits, civil legislation, religious tendencies, and its social life conform very closely to British tradition. To this we must add that its language and literature have served at the same time as interpreter and friend. The honor of calling himself an Anglo-Saxon fills the American with pride, even though he be individually of quite different origin. The immigrant in the second generation forgets his mother tongue, brings himself up as an American, and affects to speak nothing but English, anglicizes his name, and glories in his renunciation. It is only later on—very much later on—that he comes back to Europe in search of ancestors.

II

Thus, with the assistance of many influences, among which France has not been the least, there was formed throughout what is now the United States a new and indigenous institution. Its principal characteristics are in such bold relief that they strike the attention of the most inattentive observers, and their notation is, so to speak, classic. According as we view them from the angle of the optimist or the pessimist, to blame or to praise, the adjective differs, but the enumeration is always the same.

Among Americans—if we allow them to talk for themselves—the optimists boast as the eminent qualities of their race: self-confidence, a spirit of fair play, energy, love of social order, an aptitude for organization, personal development and collective education, a religious spirit, and the struggle for equality of social conditions and of opportunity.

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The pessimist, on the other hand, deplores the industrial ideal and business spirit, a certain emotional and "conventional sentimentality," a "spiritual debility" in religious life, a "lack of form" in social life, a "voluntary blindness" in political life, and, finally, a "nonchalant indifference" to all questions which do not relate to business.

These two judgments may, indeed, be reconciled into a single verdict: the North American, the "classic" American, hurried forward by the necessity of doing big things and of doing them quickly, because of the size of his territory and of the immensity of his task, has developed a quality of action which has made of him a man of business and a man of work. Maintained by his Puritan origin in a disposition of religious atavism, he has respected this framework of traditional civilization, and has developed it by living in its spirit; having felt in his isolation the value of faith, he exaggerates its estimate at times to a degree in which skeptic Europe would perceive a tendency to heresy or superstition.

The value of the individual and his personal share of human energy constitutes an inestimable force in so great a field of action. This energy has been developed, and is being developed constantly, by physical, moral, and intellectual exercise and by continuous activity, unavoidable corollary to the gymnastics of this strenuous life; a constant appeal is made to the necessity of individual and collective education. The human being is becoming a mechanism oiled and admirably fitted and adjusted for the service which he is called upon to render. These admirable types of animal man, muscle and brain, which America offers as models to modern times, are the products of unceasing effort and of natural selection.

If one adds that the type in question has the freedom of an immense territory of widely differing climates, peopled by men of great diversity of origin, completing the richness and variety of its gifts and culture; if one observes that the national effort for a century and a half, through its political system, its customs, and social institutions, tends to develop its weapons of defense and of attack for the battle of life; and if one adds that the American man, "*homo americanus*," has been able to develop himself normally, free from the restraint imposed by certain heredities and by burdensome traditions, free from the subordination

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of classes, the menace of uneasy neighbors, the obligation to military service and certain penurious economies, one can readily understand how this people has developed strong originality and a proud attitude and reached perhaps the limit of human growth.

But if this type exists, if it is vigorous and easily multiplied; if, in spite of certain weaknesses and blemishes, it still remains a model, or may I say a standard of which the human race may well be proud, we still have to define its real value, what are the chances for its propagation and its further advancement—in a word, the conditions for its success and survival.

Everybody admits that the American, "the American we admire," is the product of conditions confined to certain States, or rather to certain large cities; the American who has several decades of residence and establishment, of the upper or middle classes closely identified with the national institutions, proud of the name already transmitted through several generations—a "democracy" which, as was the case in the republics of antiquity, has already become a species of aristocracy.

Will the American type of to-morrow be entirely in conformity with that which has just been described? An apparent doubt on this subject has begun to suggest itself to the minds of the best-informed American "Nationalists." Needless to bring up the "Negro" question or the question of the "Yellow Peril" in order to understand the point under discussion.

Recently, with regard to the singular contest in which Mr. Taft and Mr. Roosevelt are engaged, one of the most prominent men of the Republic gave expression in my presence to his doubts, not to say his anxiety. He was making a rapid "*exposé*" of the conditions surrounding the contest and allowing himself to prophesy the verdict, the secret of which is still locked in the breast of the American people. "We Americans," said he, and suddenly stopped. "We? Who are 'we'? Has the American people remained what it was? The influx of immigrants so soon developed into voters is transforming America from day to day. Who can say what is the true social character of these millions of foreigners and their issue, whose steady incoming mingles them with our native stock?" The same person adds as an example: "There are to-day one million Jews in New

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York. It is the largest Jewish city of the world, and their number increases daily. How will our old Puritan home withstand the inflow of this ' new Jerusalem '?''

The aspect of an American city furnishes a striking picture of the state of this unfinished, uneven, incompletely evolved civilization: by the side of buildings thirty, forty, fifty stories in height, the famous sky-scrapers which reach to the clouds, are small old-fashioned buildings of Dutch, English, or of Norman architecture, the homes of the first inhabitants. Half-way between the two are other houses of five or six stories, which recall the types of European cities, so that the general profile of these streets resembles, if I may be permitted so trivial a comparison, a nicked comb, the modern houses being the long teeth alternating with the old, worn houses, belittled by the insolent growth of their new neighbors, all resplendent in iron and steel and gold.

In the land of multimillionaires equality of conditions and opportunity ends in a prodigious inequality of fortunes. In the land of the strenuous life the energetic effort has produced symptoms of fitful neurasthenia, which seems more and more to be the distemper of the time and of the country; religious emotionalism has produced epidemics of miracle-seeking in such numbers and of such intensity as to furnish William James a wide field of observations, and a philosophy of " mind cure " somewhat surprising to the European mind. The redoubtable power of the " machine " and of " Tammany " has led the political and municipal systems into a species of violent anarchy that brings a Roosevelt into the arena with a programme in which mysticism and realism are most curiously blended. Finally, if I may credit warnings given me as to the approach of an evil not yet established, but, it seems, latent, the powerful university movement due to the signal generosity of multimillionaires is fostering a new generation of intellectuals and scientists whose early apparition will put in the shade all the Old World ventures. Under the scarce grown trees of the American Oxfords and Cambridges a new harvest is preparing, to the confounding of the good, generous, pacific —if rather too rich—men who have sown the seed.

To what conclusion must we come, unless it be that the American people is yet unformed and the American ideal not yet completely developed. The effort in that direction is worthy of admiration, and has produced marvelous results,

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but in order that these results may be harmonized and made permanent a final progressive step is needed, and the finishing touch, as it were, must still be given.

This final finishing touch will complete the statue, and without altering or defacing its powerful lines and graceful contour will perfect the work and stamp its definite character.

III

It is peculiarly opportune at a time when the people of the United States, masters of their destiny, are close upon filling of their vast territory and beginning to overflow into other spheres, when the completion of the Panama Canal will make the United States the arbiter of both seas; at a time when the Latin republics and the neighboring Dominion of Canada are evolving rapidly toward a brilliant future—at such a juncture it is particularly opportune to seek what the spirit of America has to offer that is new and original to the people of the Old World, and what it would be useful for them to borrow from abroad. It will hardly excite surprise that in this study I shall keep particularly in mind the relation between North America and France.

France has much to learn from America. There is a movement on foot to send American students to the French universities. Our young men, on the other hand, would do well indeed to cross the ocean and sojourn for a time—be it months or years—in America. I do not suggest or ask the impossible. I know how full are the lives of our younger generation, how our modest fortunes are taxed by the long sacrifice necessary for the proper education of our children, and I do not believe that a future notary or barrister, even a coming physician, has much to gain in pursuing his studies abroad; but for those who have the leisure, and, less harassed by immediate needs, seek above all to become men—for these a sojourn in America will be an efficacious tonic and the best of fresh-air cures. The examples to be met with, the knowledge of certain usages, an acquaintance with certain casts of mind, a new way of looking at life, these things alone will repay the journey. Such travelers, should they multiply, will bring back to the stay-at-homes something of the atmosphere of oversea to freshen our own land, somewhat too closed in, and which would find great good in opening wide its windows. The advantage of such "ventilation" may be readily shown. In the first place, it would be well to

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rid ourselves of the "European prejudice," to shake off the contented softness which distends the muscles and weakens the nerves of the young men of our middle class, who by the mere fact of transplanting would become men of observation and action.

Indifferentism is the natural corollary of a humdrum existence free from all surprises, where everything is foreseen and regulated in advance. The day when our tyros' eyes are opened and they discover living reasons for action, observing its results in practical form, they will not be the last in the struggle and effort for the world's advancement.

I wish that our young girls could undertake similar travels and sojourns. There are many institutions in the United States and in Canada for the cultivation of moral and physical strength and health; more particularly in the United States the intellectual training of young girls is infinitely superior to anything we can conceive in France, Belgium, or England. The desire and determination to be oneself is no less evident in one sex than in the other. The methods for the education of women are of a very original and practical character. American women are, perhaps, the most remarkable product of the transplanting of old races to a young continent. A young Frenchwoman of the world will lose none of her grace by coming under the exotic spirit of America, and may gain much in charm as well as in intellectual riches and self-possession.

This quality of self-control is the principal benefit the French people would derive from a closer contact with North America. Constant surveillance and control of self is ever the object of education in America, whether in the family or in the school. May it not well be said that to accustom people to reflect upon the consequence of their acts is to adapt them to all the exigencies of life?

One must not for a moment suppose that Americans in general are necessarily grave or sad in demeanor. There is quite to the contrary a certain gaiety and good-humor among Americans, which is certainly the result of constant activity and a desire for improvement. Sadness and boredom are the children of laziness. In this direction also how much have we learned from Americans? How empty are the lives of our middle class! The spirit of initiative and of organization, the taste for risk and adventure, the

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impulse which seizes the future and commands destiny, the glad buoyancy which for so long a time characterized the French people, has been hindered and repressed, first by exaggerated timidity of the mothers, and by the peculiar narrowness in our system of education.

If we wish to recover the tradition of French initiative, the seeds of which made possible the American continent, let us return to America in order to find it. President Roosevelt recalled, when he spoke to us at the Sorbonne, that wherever there is found on the new continent on the borders of the forest a lonely house or an isolated farm, the *avant-garde,* so to speak, some place known as the "Folly" or "Adventure," such an habitation is generally that of a Frenchman. Let us take up this tradition anew and follow in the footsteps of our ancestors. Let not the cult of Champlain be in word only, but let it, on the contrary, stir our very souls. America should give back to us after so many centuries the elixir of action with which in the beginning we endowed her.

A more sustained and strenuous effort, more serious reflection, a more erect and proud demeanor, physical and moral, such are the great lessons which the American people can give to a race which does not fear to multiply its tasks and its duties.

Could we not in addition borrow from America something of the moral deportment which religious tradition has given her? In France we affect to treat rather cavalierly the problems which from the beginning of time have absorbed mankind. The problems I speak of are the problems of mystery and faith. Our reasoning suffices us, and is sufficient in itself. Is not this the self-sufficiency of pride and presumption?

The unbending, positive mental attitude of the Frenchman when he has assumed a position or made up his mind often robs him of the support and comfort open to people of more flexible tendencies. The mentality which admits of no shadow is very dry and hard. What could we lose by holding less strictly to the mere result of human experience and positive science? Is it not a sign of spiritual indolence to refuse to seek beyond?

I do not intend to raise at this point a question which of all others is the most serious. I am not qualified to teach any gospel, nor do I ignore that in America, as in Eng-

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land, the tendency is toward a certain latitudinarianism in religion. Perhaps the Anglo-Saxons are about to pass through a phase not unlike that through which France has been passing for more than a century. Nevertheless, the great majority among them believe that there are advantages in not wrenching too brutally from the individual and the community traditions which have so long sustained them in their struggles against barbarism and destiny.

For the individual, religion, according to observations of William James, "makes easy inevitable sacrifices and even helps us to find happiness." If this were merely an illusion it would still be an incomparable comfort. As to society, the advantage of an established rule as old as the world, lies in the tendency toward consolidation and permanency. The entire accumulation of human experience is conserved in an established moral teaching whose main lines are universal and intangible. What wiser course than to pass on this teaching to our children? If the individual so desires he will surely be able, when he becomes master of himself, to break away from its discipline.

GABRIEL HANOTAUX.

(To be Continued)

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PHASES OF MADRID

BY WILLIAM DEAN HOWELLS

I

THERE had been the usual alarm about the lack of places in the Sud-Express which we were to take at Valladolid, but we chanced getting them, and our boldness was rewarded by getting a whole compartment to ourselves and a large, fat, friendly conductor with an eye out for tips in every direction. The lunch in our dining-car was for the first time in Spain not worth the American price asked for it; everywhere else on the Spanish trains I must testify that the meals were excellent and abundant; and the refection may now have felt in some obscure sort the necromancy of the scene in which the Sud-Express seemed to have lost itself. It seldom happens in Spain that the landscape is the same on both sides of the railroad track, but here it was malignly alike on one hand and on the other, though we seemed to be running along the slope of an upland so that the left hand was higher and the right lower. It was more as if we were crossing the face of some prodigious rapid, whose surges were the granite boulders tossing everywhere in masses from the size of a man's fist to the size of a house. In a wild chaos they wallowed against one another, the greater bearing on their tops or between them on their shoulders smaller regular or irregular masses of the same gray stone. Everywhere among their awful shallows grew gray live-oaks and among the rocks and trees spread tufts of gray shrub. Suddenly, over the frenzy of this mad world, a storm of cold rain broke, whirling, and cold gray mists drove, blinding the windows and chilling us where we sat within. From time to time the storm lifted and showed again this vision of nature hoary as if with immemorial eld. If at times we seemed to have run away from it, again it closed in upon us and held us captive in its desolation.

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With longer and longer intervals of relief it closed upon us for the last time in the neighborhood of the gloomiest pile that ever a man built for his life, his death, and his prayer between; but before we came to the palace-tomb of the Escorial we had clear in the distance the vision of the walls and roofs and towers of the medieval city of Avila. It is said to be the perfectest relic of the Middle Ages, and we solemnly promised ourselves to come back some day from Madrid and spend it in Avila. But we never came, and Avila remains a vision of walls and roofs and towers, tawny gray glimpsed in a rift of the storm that swept us on toward the Spanish capital.

II

We were very glad indeed to get to Madrid, though dismayed by apprehensions of the *octroi,* which we felt sure awaited us. We recalled the behavior of the mystic official of Valladolid who bumped our baggage about on the roof of our omnibus, and we thought that in Madrid some such official could not do less than shatter our boxes and scatter their contents in the streaming street. What was, then, our surprise, our joy, to find that in Madrid there was no *octroi* at all and that the amiable *mozos* who took our things scarcely knew what we meant when we asked for it. At Madrid they scarcely wanted our tickets at the gate of the station, and we found ourselves in the soft embrace of modernity, so dear after the feudal rigors of Old Castile, when we mounted into a motor omnibus and sped away through the spectacular town so like Paris, so like Rome as to have no personality of its own except in this resemblance, and never stopped till the liveried service swarmed upon us at the door of the latest and best hotel in the city.

Here the modernity which had so winningly greeted us at the station welcomed us yet more consolingly. There was not only steam-heating, but the steam was on; it wanted but a turn of the hand at the radiators and the rooms were warm. The rooms themselves responded to our appeal and looked down into a silent inner court deaf to the clatter of the streets; and sleep haunted the very air, distracted, if at all, by the instant facility and luxury of the appliances. Was it really in Spain that a metallic tablet at the bed-head invited the wanderer to call with one button for the *camerero,* another for the *camerera,* and another for the

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mozo, who would all instantly come speaking English like so many angels? Were we to have these beautiful chambers for a humble two dollars and forty cents a day? And if it was true, why did we ever leave them and try for something ever so much worse and so very little cheaper? Let me be frank with the reader whom I desire for my friend and own that we were frightened from this hotel by the mere rumor of its prices. I paid my bill there, which was imagined with scrupulous fulness to the last possible centimo, and so I may disinterestedly affirm that it is the only hotel in Madrid where you get the worth of your money even when the money seems more but scarcely is so. In all Spain I know of only two other hotels which may compare with it, and they are the English hotels, one at Ronda and one at Algeciras. If I add falteringly the hotel where we stayed a night in Toledo, and the hotel where we abode a fortnight in Seville, I heap the measure of justice and press it down.

We did not begin at once our insensate search for another hotel in Madrid; but the sky had cleared and we went out into the strange capital, so uncharacteristically characteristic, to find tea at a certain café we had heard of. It looked out across this handsome street to a club that I never knew the name of, where at a series of open windows was a flare of young men in silk hats leaning out on their elbows and letting no passing fact of the avenue escape them. It was worth their study, and if I had been an idle young Spaniard or an idle old one I would have asked nothing better than to spend my Sunday afternoons poring from one of those windows on my well-known world of Madrid as it babbled by. Even in my quality of alien, newly arrived, and ignorant of that world, I already felt its fascination.

Sunday in Spain is, perhaps, different from other days of the week to the Spanish sense, but to the traveler it is too like them to be distinguishable except in that guilty Sabbath consciousness which is probably an effect from original sin in every Protestant soul. The casual eye could not see but that in Madrid every one seemed as much or as little at work as on any other day. My own casual eye noted that the most picturesquely evident thing in the city was the country life which seemed so to pervade it. In the Calle de Alcalá, flowing to the Prado out of the Puerta del Sol, there passed a current of farm carts and farm

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wagons more conspicuous than any urban vehicles, as they jingled by, with men and women astride or atop the heavily laden panniers, on their sleigh-belled donkeys. The donkeys bore a part literally leading in all the rustic equipages, and with their superior intellect found a way through the crowds for the string-teams of the three or four large mules that followed them in harness. Whenever we saw a team of mules without this sage guidance we learned to tremble for their safety; as for horses, no team of them attempted the difficult passage, though ox teams seemed able to dispense with the path-finding donkeys.

To be sure, the horses abounded in cabs, which were mostly bad more or less. It is an idiosyncrasy of the cabs in Madrid that only the open victorias have rubber tires. If you go in a coupé you must consent to be ruthlessly bounced over the rough pavements; the coupé therefore is not in favor since in its conservative disuse it accumulates a smell not to be acquired out of Spain. One such vehicle I had which I thought must have been stabled in the house of Cervantes at Valladolid and rushed on the Sud-Express for my service at Madrid; the stench in it was such that after a short drive to the house of a friend I was fain to dismiss it at a serious loss in pesetas and take the risk of another which might have been as bad. Fortunately, a kind lady intervened with a private carriage and a coachman shaved that very day, whereas my poor old cabman, who was of one and the same smell as his cab, had not been shaved for three days.

III

This seems the place to note the fact that no Spaniard in humble life shaves oftener than once in three days and that you always see him on the third day just before he has shaved. But all this time I have left myself sitting in the café looking out on the club that looks out on the Calle de Alcalá and keeping the waiter waiting with a jug of hot milk in his hand while I convince him (such a friendly, smiling man he is and glad of my instruction!) that in tea one always wants the milk cold. To him that does not seem reasonable, since one wants it hot in coffee and chocolate; but he yields to my prejudice, and after that he always says, "*Ah, leche fria!*" and we smile radiantly together in the bond of comradery which cold milk establishes between

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man and man in Spain. As yet tea is a novelty in that country, though the young English Queen, universally loved and honored, has made it the fashion in high life. Still, it is hard to overcome such a prepossession as that of hot milk in tea and in some places you cannot get it cold for love or money.

But again I leave myself waiting in that café, where slowly and to the last not overwhelmingly in number the beautiful plaster-pale Spanish ladies gather with their husbands and have chocolate. It is a riotous dissipation for them, though it does not sound so; the home is the Spanish ideal of the woman's place, as it is of our anti-suffragists, though there is nothing corresponding to our fireside in it; and the café is her husband's place without her. When she walks in the street, where mostly she drives, she walks with her eyes straight before her; to look either to the right or left, especially if a man is on either hand, is a superfluity of naughtiness. The habit of not looking straight ahead is formed in youth and it continues through life; so at least it is said, and if I cannot affirm it I will not deny it. The beautiful black eyes so discreetly directed look as often from mantillas as hats even in Madrid, which is the capital and much infested by French fashions. You must not believe it when any one tells you that the mantilla is going out; it prevails everywhere and increases from north to south, till in Seville it is almost universal. Hats are worn there only in driving, but at Madrid there were many hats worn in walking, though whether by Spanish women or by foreigners of course one could not, though a wayfaring man and an American, stop them to ask.

There are more women in the street at Madrid than in the provincial cities, perhaps because it is the capital and cosmopolitan, and perhaps because the streets are many of them open and pleasant, though there are enough of them dark and narrow, too. I do not know just why the Puerta del Sol seems so much ampler and gayer than the Calle de Alcalá; it is not really wider, but it seems more to concentrate the coming and going, and with its high-hotelled opposition of corners is of a supreme spectacularity. Besides, the name is so fine: what better could any city place ask than to be called Gate of the Sun? Perpetual trams wheeze and whistle through it; large shops face upon it; the sidewalks are thronged with passers, and the many

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little streets opening on it pour their streams of traffic and travel into it on the right and left. It is mainly fed by the avenues leaving the royal palace on the west, and its eddying tide empties through the Calle de Alcalá into the groves and gardens of the Prado, whence it spreads over all the drives and parks east and north and south.

IV

For a premeditated capital Madrid is very well indeed. It has not the symmetry which forethought gave the topography of Washington or the beauty which afterthought has given Paris. But it makes you think a little of Washington and a great deal of Paris, though a great deal more yet of Rome. It is Renaissance so far as architecture goes and it is very modern Latin, so that it is of the older and the newer Rome that it makes you think. From time to time it seemed to me I must be in Rome, and I recovered myself with a pang to find I was not. Yet, as I say, Madrid was very well indeed, and when I reflected I had to own that I had come there on purpose to be there and not to be in Rome, where also I should have been so satisfied to be.

I do not know but we chose our second hotel when we left our first because it was so Italian, so Roman. It had a wide grape-arbor before it, with a generous spread of trellised roof through which dangled the grape bunches among the leaves of the vine. Around this arbor at top went a balustrade of marble with fat *putti:* marble boys, on the corners, who would have watched over the fruit if they had not been preoccupied with looking like so many thousands of *putti* in Italy. They looked like Italian *putti* with a difference, the difference that passes between all the Spanish things and the Italian things they resemble. They were coarser and grosser in figure, and though amiable enough in aspect, they lacked the refinement, the air of pretty appeal which Italian art learns from nature to give the faces of *putti.* Yet they were charming, and it was always a pleasure to look at them posing in pairs at the corners of the balustrade, and perhaps dozing in the hours of siesta. If they had been in wood, Spanish art would have known how to make them better, but in stone they were well enough, and during the generations they had been there their plump stomachs had been acceptably weather-beaten white.

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I do not know if they had been there long enough to have witnessed the murder of Cromwell's ambassador done in our street by two Jacobite gentlemen who could not abide his coming to honor in the land where they were in exile from England. That must have been some time about the middle of the century after Philip II., bigot as he was, could not bear the more masterful bigotry of the archbishop of Toledo and brought his court from that ancient capital and declared Madrid henceforward the capital forever; which did not prevent Philip III. from taking his court to Valladolid and making that the capital *en titre* when he liked. However, some other Philip or Charles, or whoever, returned with his court to Madrid, and it has ever since remained the capital and has come with many natural disadvantages to look its supremacy. For my pleasure I would rather live in Seville, but that would be a luxurious indulgence of the love of beauty and like a preference for Venice in Italy when there was Rome to live in. Madrid is not Rome, but it makes you think of Rome, as I have said, and if it had a better climate it would make you think of Rome still more. Notoriously, however, it has not a good climate and we had not come at the right season to get the best of the bad. The bad season itself was perverse, for the rains do not usually begin in their bitterness at Madrid before November, and now they began early in October. The day would open fair with only a few little white clouds in the large blue, and if we could trust others' experience we knew it would rain before the day closed; only a day absolutely clear could warrant the hope of a day fair till sunset. Shortly after noon the little white clouds would drift together and be joined by others till they hid the large blue, and then the drops would begin to fall. By that time the air would have turned raw and chill, and the rain would be of a cold which it held through the night.

This habit of raining every afternoon was what kept us from seeing rank, riches, and beauty in the Paseo de la Castellana, where they drive every fine afternoon; they remained at home even more persistently than we did, for with that love of the fashionable world for which I am always blaming myself I sometimes took a cab and fared desperately forth in pursuit of them. Only once did I catch a glimpse of them, but that once I saw a closed carriage of them weltering along the drive between the trees and the

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trams that border it, with the coachman and footman snugly sheltered under umbrellas on the box. This was something, though not a great deal; I could not make out the people inside the carriage; yet it was enough to verify the fact that the great world does drive in the Paseo de la Castellana and does not drive in the Paseo del Prado; that is quite abandoned, even on the wettest days, to the very poor and perhaps unfashionable people.

V

It may have been our comparative defeat with fashion in its most distinctive moments of pleasuring (for one thing I wished to see how the dreariness of Madrid gaiety in the Paseo de la Castellana would compare with that of Roman gaiety on the Pincian) which made us the more determined to see a bull-fight in the Spanish capital. We had vowed ourselves in coming to Spain to set the Spaniards an example of civilization by inflexibly refusing to see a bull-fight under any circumstances or for any consideration; but it seemed to us that it was a sort of public duty to go and see the crowd, what it was like, in the time and place where the Spanish crowd is most like itself. We would go and remain in our places till everybody else was placed, and then, when the picadores and banderilleros and matadores were all ranged in the arena, and the gate was lifted and the bull came rushing madly in, we would rise and go inexorably away before he had time to gore anybody. This union of self-indulgence and self-denial seemed almost an act of piety when we learned that the bull-fight was to be on Sunday, and we prepared ourselves with tickets quite early in the week. On Saturday afternoon it rained, of course, but the worst was that it rained on Sunday morning and the clouds did not lift till noon. Then the glowing concierge of our hotel, a man so gaily hopeful, so expansively promising that I could hardly believe he was not an Italian, said that there could not possibly be a bull-fight that day; the rain would have made the arena so slippery that man, horse, and bull would all fall down together in a common ruin, with no hope whatever of hurting one another.

We gave up this bull-fight at once, but we were the more resolved to see a bull-fight because we still owed it to the Spanish people to come away before we had time to look at it, and we said we would certainly go at Cordova, where

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we should spend the next Sabbath. At Cordova we learned that it was the closed season for bull-fighting, but vague hopes of usefulness to the Spanish public were held out to us at Seville, the very metropolis of bull-fighting, where the bulls came bellowing up from their native fields athirst for the blood of the profession and the *aficionados,* who outnumber there the amateurs of the whole rest of Spain. But at Seville we were told that there would be no more bull-feasts (as the Spaniards much more preferably call the bull-fights) till April, and now we were only in October. We said, Never mind, we would go to a bull-feast in Granada; but at Granada the season was even more hopelessly closed. In Ronda itself, which is the heart, as Seville is the home, of the bull-feast, we could only see the inside of the empty arena; and at Algeciras the outside alone offered itself to our vision. By this time the sense of duty was so strong upon us that if there had been a bull-feast we would have shared in it and stayed through till the last *spada* dropped dead, gored through, at the knees of the last bull transfixed by his unerring sword; and the other torreros, the banderilleros with their darts, and their picadores with their disemboweled horses, lay scattered over the blood-stained arena. Such is the force of a high resolve in strangers bent upon a lesson of civilization to a barbarous people when disappointed of their purpose. But we learned too late that only in Madrid is there any bull-feasting in the winter. In the provincial cities the bulls are dispirited by the cold; but in the capital, for the honor of the nation, they somehow pull themselves together and do their poor best to kill and be killed. Yet in the capital where the zeal of the bulls and, I suppose, of the bull-fighters is such, it is said that there is a subtle decay in the fashionable, if not popular, esteem of the only sport which remembers in the modern world the gladiatorial shows of imperial Rome. It is said, but I do not know whether it is true, that the young English Queen, who has gladly renounced her nation and religion for the people who seem so to love her, cannot endure the bloody sights of the bull-feast; and when it comes to the horses dragging their entrails across the ring, or the *spada* despatching the bull, or the bull tossing a banderillero in the air, she puts up her fan. It is said also that the young Spanish King, who has shown himself such a merciful-minded youth and seems so eager to make the best of the

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bad business of being a king at all, sympathizes with her and shows an obviously abated interest at these supreme moments.

VI

I do not know whether or not it was because we had failed with the bull-feast that we failed to go to any sort of public entertainment in Madrid. It certainly was in my book to go to the theater and see some of those modern plays which I had read so many of, and which I had translated one of for Lawrence Barrett in the far-off days before the flood of native American dramas now deluging our theater. That play was "Un Drama Neuva," by Estebanez, which between us we called "Yorick's Love," and which my very knightly tragedian made his battle-horse during the latter years of his life. I was always proud of this success, and I boasted of it to the bookseller in Madrid, whom I interested in finding me some still moderner plays after quite failing to interest another bookseller. Your Spanish merchant seems seldom concerned in a mercantile transaction; but perhaps it was not so strange in the case of this Spanish bookseller, because he was a German and spoke a surprising English in response to my demand whether he spoke any. He was the frowsiest bookseller I ever saw, and he was in the third day of his unshavenness, with a shirt-front and coat-collar plentifully bedandruffed from his shaggy hair; but he entered into the spirit of my affair, and said if that Spanish play had succeeded so wonderfully, then I ought to pay fifty per cent. more than the current price for the other Spanish plays which I wanted him to get me. I laughed with him at the joke which I found simple earnest when our glowing concierge gave me the books next day, and I perceived that the proposed supplement had really been paid for them on my account. I should not now be grieving for the incident if the plays had proved better reading than they did on experiment. Some of them were from the Catalan, and all of them dealt with the simpler actual life of Spain; but they did not deal impressively with it, though they seemed to me more hopeful in conception than certain psychological plays of ten or fifteen years ago which the Spanish authors had too clearly studied from Ibsen.

They might have had their effect in the theater, but the rainy weather had not only spoiled my sole chance of the bull-feast; the effect of it in a stubborn cold forbade me

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the night air and kept me from testing any of the new dramas on the stage, which is always giving new dramas in Madrid. The stage, or rather the theater, is said to be truly a passion with the Madrileños, who go every night to see the whole or the part of a play and do not mind seeing the same play constantly, as if it were opera. They may not care to see the play so much as to be seen at it; that happens in every country; but no doubt the plays have a charm which did not impart itself from the printed page. The companies are reported very good, but the reader must take this from me at second hand, as he must take the general society fact. I only know that people ask you to dinner at nine, and if they go to the theater afterward they cannot well come away till toward one o'clock. It is after this hour that the *tertulia,* that peculiarly Spanish function, begins, but how long it lasts or just what it is I do not know. I am able to report confidently, however, that it is a species of *salon,* and that it is said to be called a *tertulia* because of the former habit in the guests, and no doubt the hostess, of quoting the poet Tertullian. It is of various constituents, according as it is a fashionable, a literary, or an artistic *tertulia,* or all three with an infusion of science. Oftenest, I believe, it is a domestic affair, and all degrees of cousinship resort to it with brothers and sisters and uncles, who meet with the pleasant Latin liking of frequent meetings among kindred. In some cases, no doubt, it is a brilliant reunion where lively things are said; in others, it may be dull; in far the most cases it seems to be held late at night or early in the morning.

VII

It was hard, after being shut up several days, that one must not go out after nightfall, and if one went out by day one must go with closed lips and avoid all talking in the street under penalty of incurring the dreaded pneumonia of Madrid. Except for that dreaded pneumonia, I believe the air of Madrid is not so pestilential as it has been reported. Public opinion is beginning to veer in favor of it, just as the criticism which has pronounced Madrid commonplace and unpicturesque because it is not obviously old is now finding a charm in it peculiar to the place. Its very modernity embodies and imparts the charm, which will grow as the city grows in wideness and straightness. It is in the

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newer quarter that it recalls Rome, or the newer quarters of Rome; but there is an old part of it that recalls the older part of Naples, though the streets are not quite so narrow nor the houses so high. There is like bargaining at the open stands, with the buyers and sellers chaffering over them; there is a likeness in the people's looks, too, but when it comes to the most characteristic thing of Naples, Madrid is not in it for a moment. I mean the bursts of song which all day long and all night long you hear in Naples; and this seems as good a place as any to say that to my experience Spain is a songless land. To be sure, in Toledo a woman came to her door across the way under our hotel window and sang over the slops she emptied into the street, but then she shut the door and we heard her no more. In Cordova there was as brief a peal of music from a house which we passed, and in Algeciras we heard one short sweet strain from a girl whom we could not see behind her lattice. Besides these chance notes we heard no other by any chance. But this is by no means saying that there is not abundant song in Spain; only it was kept quiet. I suppose that if we had been there in the spring instead of the fall we should at least have heard the birds singing. In Madrid there were not even many street cries; a few in the Puerta del Sol, yes; but the peasants who drove their mule teams through the streets scarcely lifted their voices in reproach or invitation; they could trust the wise donkeys that led them to get them safely through the difficult places. There was no audible quarreling among the cabmen, and when you called a cab it was useless to cry "Heigh!" or shake your umbrella; you made play with your thumb and finger in the air and sibilantly whispered; otherwise the cabman ignored you and went on reading his newspaper. The cabmen of Madrid are great readers; much greater, I am sorry to say, than I was, for whenever I bought a Spanish paper I found it extremely well written. Now and then I expressed my political preferences in buying *El Liberal,* which I thought very able; even *El Imparcial* I thought able, though it is less radical than *El Liberal,* a paper which is published simultaneously in Madrid with local editions in several provincial cities.

For all the street silence there seemed to be a great deal of noise, which I suppose came from the click of boots on the sidewalks and of hoofs in the roadways and the grind

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and squeal of the trams, with the harsh smiting of the unrubbered tires of the closed cabs on the rough granite blocks of the streets. But there are asphalted streets in Madrid where the sound of the hoofs and wheels is subdued, and the streets rough and smooth are kept of a cleanliness which would put the streets of New York to shame, if anything could. Ordinarily you could get cabs anywhere, but if you wanted one very badly when remote from a stand there was more than one chance that a cab marked "*Libre*" would pass you with lordly indifference. As for motor taxicabs, there are none in the city, and at Cook's they would not take the responsibility of recommending any automobiles for country excursions.

VIII

I linger over these sordid details because I must needs shrink before the mention of that incomparable gallery, the Museo del Prado. I am careful not to call it the greatest gallery in the world, for I think what the Louvre and the Pitti and the National Gallery are, and what our own Metropolitan is going to be; but surely the Museo del Prado is incomparable for its peculiar riches. It is part of the autobiographical associations with my Spanish travel that when John Hay was not yet, by thirty or forty years, the great statesman he became, but only the breeziest of young Secretaries of Legation, he blew surprisingly into my little carpenter's box in Cambridge one day, just two weeks from his post in Madrid, and boasted almost the first thing that the best Titians in the world were in the Prado galleries. I was too lately from Venice, in 1867, not to have my inward question whether there could be anywhere a better Titian than the "Assumption," but I loved Hay too much to deny him openly. I said that I had no doubt of it, and when the other day I went to the Prado it was with the wish of finding him perfectly right, triumphantly right. I had been from the first a strong partisan of Titian, and in many a heated argument with Ruskin, unaware of our controversy, I had it out with that most prejudiced partisan of Tintoretto. I always got the better of him, as one does in such dramatizations where one frames one's opponent's feeble replies for him; but now in the Prado, sadly and strangely enough, I began to wonder if Ruskin might not have tacitly had the better of me all the time. If Hay was right in holding that the best Titians in the world were in the Prado,

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then I was wrong in having argued for Titian against Tintoretto with Ruskin. I could only wish that I had the "Assumption" there or some of those senators whose portraits I remembered in the Academy at Venice. The truth is that to my eye he seemed to weaken before the Spanish masters, though I say this, who must confess that I failed to see the great room of his portraits. The Italians who hold their own with the Spaniards are Tintoretto and Veronese; even Murillo was more than a match for Titian in such pictures of his as I saw, though properly speaking Murillo is to be known at his greatest only in Seville.

But Velasquez, but Velasquez! In the Prado there is no one else present when he is by, with his Philips and Charleses and their "villainous hanging of the nether lip," with his hideous court dwarfs and his pretty princes and princesses, his grandees and jesters, his allegories and battles, his pastorals and chases, which fitly have a vast salon to themselves, not only that the spectator may realize at once the rich variety and abundance of the master, but that such lesser lights as Rubens, Titian, Correggio, Giorgione, Tintoretto, Veronese, Rembrandt, Zurbaran, El Greco, Murillo, may not be needlessly dimmed by his surpassing splendor. I leave to those who know painting from the painter's art to appreciate the technical perfection of Velasquez; I take my stand outside of that and acclaim its supremacy in virtue of that reality which all Spanish art has seemed always to strive for and which in Velasquez it incomparably attains. This is the literary quality which the most untechnical may feel, and which is not clearer to the connoisseur than to the least unlearned. After Velasquez in the Prado we wanted Goya, and more and more Goya, who is as Spanish and as unlike Velasquez as can very well be. There was not enough Goya above stairs to satisfy us, but in the Goya room in the basement there are a series of scenes from Spanish life, mostly frolic campestral things, which he did as patterns for tapestries, and which came near being enough in their way—the way of that reality which is so far from the reality of Velasquez.

The galleries of the Prado seem as full of copyists as they could have been fifty years ago, and many of them were making very good copies I wish I could say they were working as diligently as copyists used to work, but copyists are now subject to frequent interruptions, not

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from the tourists, but from one another. They used to be all men, mostly grown gray in their pursuit, but now they are both men and women and younger, and the women are sometimes very pretty. In the Prado one saw several pairs of such youth conversing together, forgetful of everything around them, and on terms so very like flirtations that they could not well be distinguished from them. They were terms that other Spanish girls could enjoy only with a wooden lattice and an iron grille between them and the *novios* outside their windows; and no tourist of the least heart could help rejoicing with them. In the case of one who stood with her little figure slanted and her little head tilted, looking up into the charmed eyes of a tall *rubio,* the tourist could not help rejoicing with the young man too.

The day after our day in the Prado we found ourselves in the Museum of Modern Art, through the kind offices of our mistaken cabman, when we were looking for the Archæological Museum. But we were not sorry, for some of the new or newer pictures and sculptures were well worth seeing, though we should never have tried for them. The force of the masters which the ideals of the past held in restraint here raged in unbridled excess. The new or newer Spanish art likes an immense canvas, as large as the side of a barn, and it chooses mostly a tragical Spanish history in which it riots with a young sense of power brave to see. There were a dozen of those mighty dramas which I would have liked to bring away with me if I had only had a town-hall big enough to put them into after I got them home. There were sculptures as masterful and as mighty as the pictures, but among the paintings there was one that seemed to subdue all the infuriate actions to the calm of its awful repose. This was Gisbert's "Execution of Torrejos and his Companions," who were shot at Malaga in 1830 for a rising in favor of constitutional government. One does not, if one is as wise as I, attempt to depict pictures, and I leave this most heroic, most pathetic, most heartbreaking, most consoling masterpiece for my reader to go and see for himself; it is almost worth going as far as Madrid to see. Never in any picture do I remember the like of those sad, brave, severe faces of the men standing up there to be shot, where already their friends lay dead at their feet. A tumbled top-hat in the foreground had an effect awfuller than a tumbled head would have had.

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Besides this and those other histories there were energetic portraits and vigorous landscapes in the Modern Museum, where, if we had not been bent so on visiting the Archæological Museum, we would willingly have spent the whole morning. But we were determined to see the Peruvian and Mexican antiquities which we believed must be treasured up in it; and that we might not fail of finding it I gave one of the custodians a special peseta to take us out on the balcony and show us exactly how to get to it. He was so precise and so full in his directions that we spent the next half-hour in wandering fatuously round the whole region before we stumbled, almost violently, upon it immediately back of the Modern Museum. Will it be credited that it was then hardly worth seeing for the things we meant to see? The Peruvian and Mexican antiquities were so disappointing that we would hardly look at the Etruscan, Greek, and Roman things which it was so much richer in. To be sure, we had seen and overseen the like of these long before in Italy; but they were admirably arranged in this museum, so that without the eager help of the custodians (which two coppers would buy at any turn) we could have found pleasure in them, whereas the Aztec antiquities were mostly copies in plaster and the Inca jewelry not striking.

Before finding the place we had had the help of two policemen and one newsboy and a postman in losing ourselves in the Prado where we mostly sought for it, and with difficulty kept ourselves from being thrust into the gallery there. In Spain a man, or even a boy, does not like to say he does not know where a place is; he is either too proud or too polite to do it, and he will misdirect you without mercy. But the morning was bright and almost warm, and we should have looked forward to weeks of sunny weather if our experience had not taught us that it would rain in the afternoon, and if greater experience than ours had not instructed us that there would be many days of thick fog now before the climate of Madrid settled itself to the usual brightness of February. We had time to note again in the Paseo Castellana that it consists of four rows of acacias and tamarisks and a stretch of lawn, with seats beside it; the rest is bare grasslessness, with a bridle-path on one side and a tram-line on the other. If it had been late afternoon the Paseo would have been filled with the gay world; but,

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being the late forenoon, we had to leave it well-nigh unpeopled and go back to our hotel, where the excellent midday breakfast merited the best appetite one could bring to it.

IX

In fact, all the meals of our hotel were good, and of course they were only too superabundant. They were pretty much what they were everywhere in Spain, and they were better everywhere than they were in Granada, where we paid most for them. They were appetizing, and not of the cooking which the popular superstition attributes to Spain, where the hotel cooking is not rank with garlic or fiery with pepper, as the untraveled believe. At luncheon in our Madrid hotel we had a liberal choice of eggs in any form, the delicious *arroz à la Valencia*, a kind of risotto, with saffron to savor and color it; veal cutlets or beefsteak, salad, cheese, grapes, pears, and peaches, and often melon—the ever-admirable melon of Spain which I had learned to like in England. At dinner there were soup, fish, entrée, roast beef, lamb, or poultry, vegetables, salad, sweet cheese, and fruit; and there was pretty poor wine *ad libitum* at both meals. For breakfast there was good and true (or true enough) coffee, with rich milk, which if we sometimes doubted it to be goat's milk we were none the worse if none the wiser for, as at dinner we were not either if we unwittingly ate kid for lamb.

There were not many people in the hotel, but the dining-room was filled by citizens who came in with the air of frequenters. They were not people of fashion, as we readily perceived, but kindly-looking mercantile folk, and ladies painted as white as newly kalsomined house-walls; and all gravely polite. There was one gentleman as large round as a hogshead, with a triple arrangement of fat at the back of his neck which was fascinating. He always bowed when we met (necessarily with his whole back), and he ate with an appetite proportioned to his girth. I could wish still to know who and what he was, for he was a person very much to my mind. So was the head waiter, dark, silent, clean-shaven, who let me use my deplorable Spanish with him, till in the last days he came out with some very fair English which he had been courteously concealing from me. He looked 'own brother to the room-waiter in our corridor, whose companionship I could desire always to have. One could not be so confident of the sincerity of the little *camarera* who

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slipped out of the room with a soft, sidelong "*De nada*" at one's thanks for the hot water in the morning; but one could stake one's life on the goodness of this *camarero*. He was not so tall as his leanness made him look; he was of a national darkness of eyes and hair which as imparted to his tertian clean-shavenness was a deep blue. He spoke, with a certain hesitation, a beautiful Castilian, delicately lisping the sibilants and strongly throating the gutturals; and what he said you could believe. He never was out of the way when wanted; he darkled with your boots and shoes in a little closet next your door and came from it with the morning coffee and rolls. In a stress of frequentation he appeared in evening dress in the dining-room at night and did honor to the place; but otherwise he was to be seen only in our corridor or in the cold, dark chamber at the stair-head where the *camareras* sat sewing, kept in check by his decorum. Without being explicitly advised of the fact, I am sure he was the best of Catholics, and that he would have burned me for a heretic if necessary, but he would have done it from his conscience and for my soul's good after I had recanted. He seldom smiled, but when he did you could see it was from his heart.

His contrast, his very antithesis, the joyous concierge, was always smiling, and was every way more like an Italian than a Spaniard. He followed us into the wettest Madrid weather with the sunny rays of his temperament, and welcomed our returning cab with an effulgence that performed the effect of an umbrella in the longish walk from the curbstone to the hotel door, past the grape arbor whose fruit ripened for us only in a single bunch, though he had so confidently prophesied our daily pleasure in it. He seemed at first to be the landlord, and without reference to higher authority he gave us beautiful rooms overlooking the bacchanal vine which would have been filled with sunshine if the weather had permitted. When he lapsed into the concierge he got us, for five pesetas, so deep and wide a woodbox, covered with crimson cloth, that he was borne out by the fact in declaring that the wood in it would last us as long as we stayed; it was oak wood, hard as iron, and with the bellows that accompanied it we blew the last billet of it into a solid glow by which we drank our last coffee in that hotel. His spirit, his genial hopefulness, reconciled us to the infirmities of the house during the period of transition

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beginning for it and covering our stay. It was to be rebuilt on a scale out-Ritzing the Hôtel Ritz, but in the mean while it was not quite the Ritz. There was a time when the elevator-shaft seemed to have tapped the awful sources of the smell in the house of Cervantes at Valladolid, but I do not remember what blameless origin the concierge assigned to the odor, or whether it had anything to do with the horses and the hens which a chance-opened back door showed us stabled in the rear of the hotel's grandiose entrance.

Our tourist clientèle, thanks, I think, to the allure of our concierge for all comers, was most respectable, though there was no public place for people to sit but a small reading-room colder than the baths of Apollo. But when he entered the place it was as if a fire were kindled in the minute stove never otherwise heated, and the old English and French newspapers freshened themselves up to the actual date as nearly as they could. We were mostly, perhaps, Spanish families come from our several provinces for a bit of the season which all Spanish families of civil conditions desire more or less of: lean, dark fathers; slender, white-stuccoed daughters; and fat, white-stuccoed mothers; very still-faced and grave-mannered. We were also a few English, and from time to time a few Americans, but I believe we were not, however worthy, very great-world. The concierge who had so skilfully got us together was instant in our errands and commissions, and when it came to two of us being shut up with colds brought from Burgos it was he who supplemented the promptness of the apothecaries in sending our medicines, and coming himself at times to ask after our welfare.

X

In a strange country all the details of life are interesting, and we noticed with peculiar interest that Spain was a country where the prescriptions were written in the vulgar tongue instead of the little Latin in which prescriptions are addressed to the apothecaries of other lands. We were disposed to praise the faculty if not the art for this, but our doctor forbade. He said it was because the Spanish apothecaries were so unlearned that they could not read even so little Latin as the shortest prescription contained. Still, I could not think the custom a bad one, though founded on ignorance, and I do not see why it should not have made for the greatest safety of those who took the medicine if

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those who put it up followed a formula in their native tongue. I know that, at any rate, we found the Spanish medicines beneficial, and were presently suffered to go out-of-doors, but with those severe injunctions against going out after nightfall or opening our lips when we went out by day. It was rather a bother, but it was fine to feel oneself in the classic Madrid tradition of danger from pneumonia, and to be of the dignified company of Spanish gentlemen whom we met with the border of their cloaks over their mouths, like characters in a *capa y espada* drama.

There was almost as little acted as spoken drama in the streets. I have given my impression of the songlessness of Spain in Madrid as elsewhere, but if there was no street-singing there was often street-playing by pathetic bands of blind minstrels with guitars and mandolins. The blind abound everywhere in Spain in that profession of street beggary which I always encouraged, believing, as I do, that comfort in this unbalanced world cannot be too constantly reminded of misery. As the hunchbacks are in Italy, or the wooden peg-legged in England, so the blind are in Spain, for number. I could not say how touching the sight of their sightlessness was, or how the remembrance of it makes me wish that I had carried more coppers, or, as the Spaniards call them, *dogs,* big and little, with me when I set out. I would gladly authorize the reader, when he goes to Madrid, to do the charity I often neglected; he will be the better man, or even woman, for it; and he need not mind if his beneficiary is occasionally unworthy; he may be unworthy himself; I am sure I was.

But the Spanish street is rarely the theatrical spectacle that the Italian street nearly always is. Now and then there was a bit in Madrid which one would be sorry to have missed; such was the funeral of a civil magistrate, otherwise unknown to me, which I saw pass my café window: a most architectural black hearse, with a black roof, drawn by eight black horses, sable-plumed. The hearse was open at the sides, with the coffin fully showing, and a gold-laced *chapeau bras* lying on it. Behind came twenty or twenty-five gentlemen on foot in the modern ineffectiveness of frock-coats and top-hats, and after them eight or ten closed carriages. The procession passed without the least notice from the crowd which I saw at other times stirred to a flutter of emulation in its small boys by companies of infantry march-

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ing to the music of sharply blown bugles. The men were handsomer than Italian soldiers, but not so handsome as the English, and in figure they were not quite the deplorable pygmies one often sees in France. Their bugles, with the rhythmical note which the tram-cars sound, and the guitars and mandolins of the blind minstrels, made the only street music I remember in Madrid.

Between the daily rains, which came in the afternoon, the sun was sometimes very hot, but it was always cool enough indoors. The indoors interests were not the art or story of the churches. The intensest Catholic capital in Christendom is, in fact, conspicuous in nothing more than the reputed uninterestingness of its churches. I went into one of them, however, with a Spanish friend, and I found it beautiful, most original, and most impressive for its architecture and painting, but I forget which church it was. We were going rather a desultory drive through those less frequented parts of the city which I have mentioned as like a sort of muted Naples: poor folk living much out-of-doors, buying and selling at hucksters' stands and booths, and swarming about the chief market, where the guilty were formerly put to death, but the innocent are now provisioned. Outside, the market was not attractive, and what it was within we did not look to see. We went rather to satisfy my wish to see whether the Manzanares is as groveling a stream as the guide-books pretend in their effort to give a just idea of the natural disadvantages of Madrid as the only great capital without an adequate river. But whether abetted by the arts of my friend or not, the Manzanares managed to conceal itself from me. When we left our carriage and went to look for it I saw only some pretty rills and falls which it possibly fed, and which lent their beauty to the charming up-and-down-hill walks, now a public pleasance, but formerly the groves and gardens of the Royal Palace.

XI

I did not visit the palace, but the Royal Armory I had seen two days before on a gay morning that had not yet sorrowed to the afternoon's rain. At the gate of the palace I fell into the keeping of one of the authorized guides whom I wish I could identify so that I could send the reader to pay him the tip I came short in. It is a pang to think of the repressed disappointment in his face when in a mo-

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ment of insensate sparing I gave him the bare peseta to which he was officially entitled instead of the two or three due his zeal and intelligence; and I strongly urge my readers to be on their guard against a mistaken meanness like mine. I can never repair that, for if I went back to the Royal Armory I should not know him by sight; and if I sought among the guides saying I was the stranger who had behaved in that shabby sort, how would it identify me among so many other shabby strangers? He had the intelligence to leave me and the constant companion of these travels to ourselves as we went about that treasury of wonders, but before we got to the armory he stayed us with a delicate gesture outside the court of the palace till a troop for the guard-mounting had gone in. Then he led us across the fine, beautiful quadrangle to the door of the museum, and waited for us there till we came out. By this time the space was brilliant with the confronted bodies of troops, those about to be relieved of guard duty, and those come to relieve them, and our guide got us excellent places where we could see everything and yet be out of the wind which was beginning to blow cuttingly through the gates and colonnades. There were all arms of the service—horse, foot, and artillery—and the ceremony, with its pantomime and parley, was much more impressive than the changing of the colors which I had once seen at Buckingham Palace. The Spanish privates took the business not less seriously than the British, and, however they felt, the Spanish officers did not allow themselves to look bored. The marching and countermarching was of a refined stateliness, as if the pace were not a goose step, but a peacock step; and the music was of an exquisitely plaintive and tender note which seemed to grieve rather than exult; I believe it was the royal march which they were playing, but I am not versed in such matters.

Nothing could have been fitter than the quiet beauty of the spectacle, opening through the westward colonnade to the hills and woods of the royal demesne, with yellowing and embrowning trees that billowed from distance to distance. Some day these groves and forests must be for the people's pleasure, as all royal belongings seem finally to be; and in the mean time I did not grudge the landscape to the young King and Queen who probably would not have grudged it to me. Our guide valued himself upon our admiration of

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it; without our special admiration he valued himself upon the impressive buildings of the railway station in the middle distance. I forget whether he followed us out of the quadrangle into the roadway, where we had the advantage of some picturesque army wagons, and some wagoners in red-faced jackets and red trousers and top-boots with heavy fringes of leathern strings. Yet it must have been he who made us aware of a high-walled inclosure where soldiers found worthy of death by court-martial could be conveniently shot; though I think we discovered for ourselves the old woman curled up out of the wind in a sentry-box, and sweetly asleep there, while the boys were playing marbles on the smooth ground before it. I must not omit the peanut-roaster in front of the palace; it was in the figure of an ocean steamer nearly as large as the *Lusitania,* and had smoke coming out of the funnel, with rudder and screw complete and doll sailors climbing over the rigging.

But it is impossible to speak adequately of the things in that wonderful armory. If the reader has any pleasure in the harnesses of the Spanish kings and captains, from the great Charles the Fifth down through all the Philips and the Charleses, he can glut it there. Their suits begin almost with their steel baby-clothes, and adapt themselves almost to their senile decrepitude. There is the horse-litter in which the great Emperor was borne to battle, and there is the sword which Isabella the great Queen wore; and I liked looking at the lanterns and the flags of the Turkish galleys from the mighty sea-fight of Lepanto, and the many other trophies won from the Turks. The pavilion of Francis I. taken at Pavia was of no secondary interest, and everywhere was personal and national history told in the weapons and the armor of those who made the history. Perhaps some time the peoples will gather into museums the pens and pencils and chisels of authors and artists, and the old caps and gowns they wore, or the chairs they sat in at their work, or the pianos and violoncellos of famous musicians, or the planes of surpassing carpenters, or the hammers of eminent iron-workers; but these things will never be so picturesque as the equipments with which the military heroes saved their own lives or took others'. We who have never done either must not be unreasonable or impatient. It will be many a long century yet before we are appreciated at the value we now set upon ourselves. In the mean while

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we do not have such a bad time, and we are not so easily forgotten as some of those princes and warriors.

XII

I did not realize till I saw a play of Calderon's, ten years ago in New York, how much the Spanish drama has made Madrid its scene; and until one knows modern Spanish fiction one cannot know how essentially the incongruous city is the capital of the Spanish imagination. Of course the action of Gil Blas largely passes there, but Gil Blas is only adoptively a Spanish novel, and the native picaresque story is oftener at home in the provinces; but since Spanish fiction has come to full consciousness in the work of the modern masters it has resorted more and more to Madrid. If I speak only of Galdós and Valdés by name it is because I know them best as the greatest of their time; but I fancy the allure of the capital has been felt by every other modern more or less; and if I were a Spanish author I should like to put a story there. If I were a Spaniard at all, I should like to live there a part of the year, or to come up for some sojourn, as the real Spaniards do. In such an event I should be able to tell the reader more about Madrid than I now know. I should not be poorly keeping to hotels and galleries and streets and the like surfaces of civilization, but should be saying all sorts of well-informed and surprising things about my fellow-citizens. As it is, I have tried somewhat to say how I think they look to a stranger, and if it is not quite as they have looked to other strangers I do not insist upon my own impression. There is a great choice of good books about Spain, so that I do not feel bound to add to them with anything like finality.

I have tried to give a sense of the grand-opera effect of the street scene, but it is the grand opera as it shows itself in the pit and the boxes rather than on the stage. I have record of only one passage in real life, such as one often sees in Italy, where moments of the street are always waiting for transfer to the theater. A pair had posed themselves, across the way from our hotel, against the large, closed shutter of a shop which made an admirable background. The woman in a black dress, with a red shawl over her shoulders, stood statuesquely immovable, confronting the middle-class man, who, while people went and came about them, poured out his mind to her with many frenzied

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gestures, but mostly using one hand for emphasis. He seemed to be telling something rather than asserting himself or accusing her; portraying a past fact or defining a situation; and she waited immovably silent till he had finished. Then she began, and warmed to her work, but apparently without anger or prejudice. She talked herself out, as he had talked himself out. He waited, and then he left her and crossed to the other corner. She called after him as he kept on down the street. She turned away, but stopped and turned again and called after him till he passed from sight. Then she turned once more and went her own way. Nobody minded, any more than if they had been two unhappy ghosts invisibly and inaudibly quarreling, but I remained, and remain to this day, afflicted because of the mystery of their dispute.

XIII

We did not think there were so many boys, proportionately, or boys let loose, in Madrid as in the other towns we had seen, and we remarked to that sort of foreign sojourner who is so often met in strange cities that the children seemed like little men and women. "Yes," he said, " the Spaniards are not children until they are thirty or forty, and then they never grow up." It was, perhaps, too epigrammatic, but it may have caught at a fact. From another foreign sojourner I heard that the Catholicism of Spain, in spite of all newspaper appearances to the contrary and many bold novels, is still intense and unyieldingly repressive. But how far the severity of the Church characterizes manners it would be hard to say. Perhaps these are often the effect of temperament. One heard more than one saw of the indifference of shopkeepers to shoppers in Madrid; in Andalusia, say especially in Seville, one saw nothing of it. But from the testimony of sufferers it appears to be the Madrid shopkeeper's reasonable conception that if a customer comes to buy something it is because he, or more frequently she, wants it, and is more concerned than himself in the transaction. He does not put himself about in serving her, and if she intimates that he is rudely indifferent, and that though she has often come to him before she will never come again, he remains unafflicted. From experience I cannot say how true this is, but certainly I failed to awaken any lively emotion in those booksellers of whom I tried to buy some modern plays. It

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seemed to me that I was vexing them in the Oriental calm which they would have preferred to my money, or even my interest in the new Spanish drama. But in a shop where fans were sold the shopman, taken in an unguarded moment, seemed really to enter into the spirit of our selection for friends at home; he even corrected my wrong accent in the Spanish word for fan, which was certainly going a great way.

It was not the weather for fans in Madrid, where it rained that cold rain every afternoon, and once the whole of one day, and we could not reasonably expect to see fans in the hands of ladies in real life so much as in the pictures of ladies on the fans themselves. In fact, I suppose that to see the Madrileñas most in character one should see them in summer, which in Southern countries is the most characteristic season. Théophile Gautier was governed by this belief when he visited Spain in the hottest possible weather and left for the lasting delight of the world the record of that *Voyage en Espagne* which he made seventy-two years ago. He then thought the men better dressed than the women at Madrid. Their boots are as "varnished, and they are gloved as white as possible. Their coats are correct, and their trousers laudable; but the cravat is not of the same purity, and the waistcoat, that only part of modern dress where the fancy may play, is not always of irreproachable taste." As to the women: "What we understand in France as the Spanish type does not exist in Spain. . . . One imagines usually, when one says *mantilla* and *señora,* an oval, rather long and pale, with large, dark eyes, surmounted with brows of velvet, a thin nose, a little arched, a mouth red as a pomegranate, and above all a tone warm and golden, justifying the verse of romance, *She is yellow like an orange.* This is the Arab or Moorish type, and not the Spanish type. The Madrileñas are charming in the full acceptation of the word; out of four three will be pretty, but they do not answer at all to the idea we have of them. They are small, delicate, well formed, the foot narrow and the figure curved, the bust of a rich contour; but their skin is very white, the features delicate and mobile, the mouth heart-shaped, and representing perfectly certain portraits of the Regency. Often they have fair hair, and you cannot take three turns in the Prado without meeting eight blondes of all shades from the ashen blonde to the most vehement

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red, the red of the beard of Charles V. It is a mistake to think there are no blondes in Spain. Blue eyes abound there, but they are not so much liked as the black."

Is this a true picture of the actual Madrileñas? What I say is that seventy-two years have passed since it was painted, and the originals have had time to change. What I say is that it was nearly always raining, and I could not be sure. What I say, above all, is that I am not a Frenchman of the high Romantic moment, and that what I chiefly noticed was how beautiful the mantilla was whether worn by old or young, how fit, how gentle, how winning! I suppose that the women we saw walking in it were never of the highest class, who would be driving except when we saw them going to church. But they were often of the latest fashion, with their feet hobbled by the narrow skirts, of which they lost the last poignant effect by not having wide or high or slouch or swashbuckler hats on; they were not top-heavy. What seems certain is that the Spanish women are short and slight, or short and fat. I find it recorded in my notes that when a young English couple came into the Royal Armory the girl looked impossibly tall and fair.

The women of the lower classes are commonly handsome, and carry themselves finely; their heads are bare, even of mantillas, and their skirts are ample. When it did not rain they added to the gaiety of the streets, and, when it did, to their gloom. Wet or dry, the streets were always thronged with children as well as men and women; nobody, apparently, stayed indoors who could go out, and after two days' housing, even with a fire to air and warm our rooms, we did not wonder at the universal preference. As I have said, the noise that we heard in the streets was mainly the clatter of shoes and hoofs, but now and then there were street cries besides those I have noted. There was in particular a half-grown boy in our street who had a flat basket decorated with oysters at his feet, and for long hours of the day and dark he cried them incessantly. I do not know that he ever sold them, or cared; his affair was to cry them.

WILLIAM DEAN HOWELLS.

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ARTHUR SCHNITZLER

BY ARCHIBALD HENDERSON

To this country, in which the giant of drama first now in our history evidences unmistakable signs of awakening to self-consciousness and activity, the quindecennial anniversary of the birth of Arthur Schnitzler demands recognition which should be none the less adequate that it is belated. Contemporary preoccupation with the most pronounced forms of the social drama, of intention and of propaganda, has cast a sort of blinding glare across the stage of our time. The clamant individualism of Ibsen, the explicit purposiveness of Brieux, the sociological passion of Shaw, have shadowed the less assertive, but often more exquisitely fashioned, works of the dexterous Austrian dramatist, Arthur Schnitzler.

The art of this delicate craftsman, who on May 15th of the present year celebrated his fiftieth birthday, is eminently worthy of emulation at the hands of the coming dramatists of America. His plays, in adequate translation, deserve the considerate attention of that widening circle of temperate enthusiasts in our country now dedicating themselves to the study and intelligent propagation of popular interest in the highest manifestations of the dramatic art of our time. At infrequent intervals American audiences have participated in the esthetic privileges vouchsafed by his delicate workmanship and polished art — the tender, tragic beauty of "Light o' Love," the magic impressionism of "The Green Cockatoo," the ultra-modern satire of "Literature." Scattered here and there, in the English and American magazines, may be read translations of a few of Schnitzler's one-act plays and three-act dramas—"The Wife," "The Woman with the Dagger," "Living Hours," "The Duke and the Actress," "The Legacy," and "Light o' Love." So far, however, excepting one or two allusive sketches, we have had

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no account in English of the dramatic work, a noble and honorable work, of one who stands in the forefront of those who have given to the German drama of to-day its distinction and pre-eminence. The time is indeed ripe for interpretative appreciation of the high and difficult art of Austria's leading dramatist, Arthur Schnitzler.

To understand Schnitzler one must realize that he functions primarily for a metropolis that vies with Paris itself in love for the theater and for the ultimate refinements of literature—Ibsen's " beloved Vienna." It is the custom for the north Germans to hold in light regard the spirit and temperament of the Viennese. The high polish of surfaces, the brilliance of artificiality, artistic sensitiveness without intellectual content—such are the terms of this depreciation. It is the distinction of Schoenherr, of Von Hofmannsthal, and, above all, of Schnitzler, to have silenced this depreciation and once again to have given to Vienna that artistic eminence achieved by Grillparzer, Raimund, Bauernfeld, and Halm. Yet it is not the primitive, virile strength of " Faith and Fireside," but the Watteau-like airiness of " Der Rosenkavalier " and the half-gay, half-sad nuances of " Anatol " which reflect for us the characteristic Viennese note of to-day.

Schnitzler writes for an enlightened public, enamoured of the theater for the theater's sake, sophisticated in life as well as in art, ever exigent in its ideals of literature. In contradistinction to the authentic German spirit, ceaselessly intent upon searching out the heart of life's mystery and revealing, in human will, man's divine potentiality, the authentic Austrian spirit delights to invest human life with the grace and charm of poetry. About every-day happenings it loves to throw the iridescent halo of the ideal; to impregnate the life of *tous les jours* with the fragrance of happy memories and glad anticipation. Through the symphony runs a strain of melancholy, pronounced yet restrained—a sense of life's transitory and evanishing happiness. In a word, the Viennese spirit, as reflected so subtly by Schnitzler, is best caught in its search for that " high, painful happiness " for which the later Ibsen sighed with such mournful regret when he came to meet the little Viennese, Emilie Bardach. Romance shot through with melancholy, happiness tinged with regret—for this spirit Schnitzler has chosen the fit artistic medium, romantic im-

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pressionism. He reflects life as he sees it in a mood of gay romance; but each little feature, each implicative allusion reflects a depth of sadness and a capacity for tragedy. It is this spirit of melancholy reflection, sometimes verging upon an almost cynical criticism of life, which lifts Schnitzler's dramas out of the domain of mere literature into the domain of profound emotion and social pity.

Arthur Schnitzler merits our study because there is not simply one, but two sides to his genius—the first distinctly Viennese, the second pre-eminently human. It is important for us to know that Schnitzler's father was a doctor, a famous laryngologist. Schnitzler himself is a doctor of medicine, having taken his degree in 1885; from 1886 to 1888 he saw active hospital service, and since 1888 has enjoyed an extensive private practice in Vienna. His clinical studies, his minute examination of nervous affections, his preoccupation as physician with sexual manifestations and human dissolution — all are found reflected in his works. The cynicism with which he is often credited, as in the case of Shaw, proceeds not from a distrust in human nature, but from an extraordinarily astute perception of its frailties—the legacy of all physicians of the human body. When, as in the case of Schnitzler, accurate knowledge of pathological symptoms is reinforced by psychological insight of a very high order, it is inevitable that his works should reveal at times less sympathy for human frailty than a sort of lightness in the treatment of human suffering which occasionally seems little short of callousness.

The Schnitzler made famous throughout the world by his "Anatol" is an artist in the portrayal of twilight moods and erotic nuances. In the society which he presents there is no question of the obtrusion of moral: the double standard is accepted as an inevitable phase of this sophisticated civilization. For these sad, gay dogs of the Viennese pack flirtation is a pastime and philandering a high art. Atmosphere and Temperament—these are the two key words in the mystery of Schnitzler's charm. These light-hearted philanderers, sipping fragrance from many a wayside flower, are lacking in force, in passion, in will. Their assets are a certain childish gaiety and naïve charm, an almost feminine petulance, a tinge of nervous hysteria. Their code is tact—avoidance of the banal and the vulgar in manners and deportment. These are little *genre* pictures he

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gives us, fantasias on the eternal theme, "Off with the old love, on with the new." It is student love carried one step further—Murger's "*La Vie Bohème*" dramatized piecemeal. The frail young things, reminiscent of that persistent type of Greuze, simple, sensuous, larmoyant, clinging, ever come and go—now with all the fabled "strength of the weak," now palled with the saccharine monotony, now deftly, dexterously snapping the tenuous bonds of lawless union. Each partner follows the law of his own or her own nature—which means the line of least resistance. Romance gilds the scene—there is the perfume of flowers, the sparkle of champagne. The crisis comes—parting is inevitable; but there shall be no harsh words, no crude recriminations, most of all, no regrets. The woman may protest, cry out, burst into tears—but man, god-like, must be Olympian in his calm! Yet the hero, who acts like a gentleman when he is at bottom only a cad, is not always immune, for sometimes Fate packs the cards against him and leaves him sheepishly contemplating the ruins of his artistically constructed self-respect.

In "Abschieds Souper," so delightfully played by Charlottee Wiehe, Anatol, who has ruined his digestion eating two suppers every night, one with Anna, the other with the new *innamorata,* gracefully plans to break the news to Anna at a little supper for Max, Anna, and himself; but is hoist by his own petard, to Max's uncontrollable mirth, when Anna informs him that a new love has come into *her* life also. There is real tenderness in "A Christmas Present" when Gabrielle, the "high-born lady" who dared not give Anatol what some nameless fair vouchsafes with ready hand, sends her a nosegay with the message: "These flowers, dear little girl, are from some one who might have been as happy as you—if she hadn't been quite such a coward!" The tragic sadness of such episodes lurks in "Question to Fate," when Anatol decides to hypnotize Cora and resolve his doubts in her answer to his unspoken thought: "Does she love me and me only?" But when the revelative moment comes and Max has withdrawn, Anatol tries to ask the question—but finds that he dare not put his fate to the touch. He recalls Max and assures him of his perfect content over Cora's reply. But his disquiet is far from being allayed when the awakened Cora exhibits an uneasy curiosity as to the catechism.

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There is something at once brutal and burlesque, more Berlinese than Viennese, in the three "one-acters"—"Der Puppenspieler,"* "Der Tapfere Cassian,"† and the comic *revue* "Zum Grossen Wurstel."‡ The most satirical and effective of all Schnitzler's farces is "Literatur." A woman still attractive but no longer quite young is about to marry a baron, a banker, who is jealous of her passion for letters. She is all but ready to make the great sacrifice, but longs to see just one more novel of hers through the press. It is a real "human document"—for she has woven together the letters long ago received from a former lover into a passionate romance. The betrothed remains ignorant of all this and even of the contents of the book. Pitiable indeed is the lady's plight when she is visited by her former correspondent, the hero of the impending novel, who informs her that he too has kept her letters to him and made a novel of them. Each exactly supplements the other—discovery is inevitable. Before each has recovered from the horror of the other's confidence the betrothed returns, intent upon putting his fiancée to a supreme test. He has bought up the whole edition of her novel before its publication and will withdraw it from circulation—with her permission? His delight is supreme when she consents. One copy only he has reserved—to read with her in the intimacy of the fireside. "My own," rapturously exclaims this ready-witted lady, "my sacrifice shall be complete," and then flings the incriminating copy into the fire. Her former lover, heaving a deep sigh of relief, slinks out, while the lady sinks into the baron's arms.

It is Schnitzler's peculiar gift to exhibit delicacy in treatment of the indelicate, refinement in portrayal of the unrefined. The most unashamed exposure of the mechanics of eroticism, however, is found in Schnitzler's "Reigen," a series of ten dialogues written in 1906–07. It is a piece of frank naturalism, a vicious circle of adultery written by a physician who, after Kipling, finds "the Colonel's lady and Biddy O'Grady sisters under the skin." It is the last word in cold-blooded suggestiveness, this cycle of dialogues: a prostitute and a soldier; the soldier and a chambermaid; the chambermaid and a young gentleman; the young gentle-

* First produced at the Deutsches Theater, Berlin, in 1903.
† First produced at the Kleines Theater, Berlin, in 1904.
‡ First produced at the Lustspiel Theater, Vienna, in 1906.

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man and a young married woman; the young married woman and her husband; the husband and a young girl; the young girl and a poet; the poet and an actress; the actress and a count; and lastly the count and the prostitute of the first dialogue. Each dialogue ends in the identical episode of passion, and justifies the assertion that Schnitzler's eroticism is "far more insidious than the brutalities of Wedekind."

In certain respects, Schnitzler's most polished work is found in his one-act pieces, dealing not with erotic themes —though a liaison always lurks somewhere in the background—but with experiences and episodes of human life carrying with them the lessons of sorrow, experience, old age, and dissolution. They are the pieces in which Schnitzler, the philosopher and the psychologist, not the surgeon, deals not with love, but with life and death. The most human expression of this phase of Schnitzler's art is found in "Paracelsus," an imaginary episode from the life of the great magician. Much of Schnitzler's philosophy is latent in this fine poem: "Life is a game—who knows it is wise."

The strange complications of emotion, evoked by the liaison which is tactfully concealed but tacitly understood, are admirably disentangled in "Die Gefaehrtin." The wasted nobility of feeling of Robert Pilgram upon a wife who asked nothing more of life than a liaison with his assistant, Alfred, the while knowing that Alfred is not true to her even in this relation—such faith unfaithful, such sordid falsity, are only revealed in her death and the announcement of Alfred's engagement—a complex study wrought out with the most dexterous simplicity. "The Green Cockatoo" is the most dramatic piece, theatrical in the original sense, that Schnitzler has ever composed. It is the eve of the storming of the Bastille; and pleasure-worn nobles and their consorts sit in a brothel in the most crime-infested corner of Paris looking on at a species of crude *revue* extemporized for their entertainment. This tiny brothel, with its band of mumming criminals, is a microcosm. We are, momently, in doubt if it is all jest or earnest, masquerade or reality. Thus is mirrored the confusion and mad unreality of this hour in France's history. The Apache burlesque swings into a clamant finale—the threatened murder in the comedy within the comedy, of the noble by the *bourgeois*, suddenly transpires before our very eyes. The Revolution is on at last.

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"Lebendige Stunden," gray tale with stern contrasts of ambition and sacrifice, literature and life, reminds of the slow-flowing current of age in Ibsen's "John Gabriel Borkman"—without its genius. "The Woman with the Dagger" seems to me to be little more than a startling experiment in technique. There is no real inevitableness of Fate's decision in the coolly calculated assignation of its finale. The most effective bit of naturalism that Schnitzler the impressionist has rescued from the purlieus of his profession is "Die Letzten Masken." It is interesting as a piece of pure psychology. Rademacher, the dying writer, a pitiable failure as a man of letters, sends for the famous, the admired author, Weihgast—to wreak a life's revenge. Rademacher wants to deal him a mortal blow, in the revelation that, after all, the successful author has been a miserable failure—since his wife has really belonged to Rademacher. He even rehearses the revelation with a friend, an actor, who is a fellow-inmate of the hospital. When the moment arrives Rademacher discovers that in reality Weihgast is the most unhappy of men, his art a bitter curse. Faith in wife and home alone are left him. So Rademacher foregoes his melodramatic revenge, morbidly content in its imaginative rehearsal—and dies without malice and without regret.

The most thoroughly charming of all Schnitzler's plays, especially because it leaves no bitter after-taste, is "Komtesse Mizzi." The story is told with all the finished charm of an artist-magician in whose make-up there is much of feminine finesse and intuition. Schnitzler has no moral purpose, no intention here save the intent of the artist to paint a graceful picture with comic lights, clear middle distance, and the shadows of sweet and haunting melancholy. As Percival Pollard once said: "Our good physician knows his Austria better than we do; he is content to heal its body and dissect its soul; he knows better than to try more than that."

The real heroine of Schnitzler's dramas, truth to tell, is "*das süsse Mädel*"—a term invented by Hartleben, but a type perfected by Schnitzler himself. She is the "dear girl," comically embodied in America in the figure of the business man's typist, inhabiting that twilight zone between respectable domesticity and the half-world. Anatol says somewhere: "She's like a waltz—sentimental gaiety—smiling, mischievous melancholy. Peace and content stream from

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her to you—if you take her a bunch of violets a tear-drop glistens in the corner of her eye." As "Anatol" is the comedy of "*das süsse Mädel,*" so "Das Märchen," "Das Vermächtniss," and "Liebelei" are her tragedy. In this gay Viennese existence, "imperfectly monogamous," as Howells has happily phrased it, there is always a place for this "*kleines süsses, blondes Köpferl*"—so long as the lover remains faithful, is not mocked by the thought of her past, or does not die. In "Das Märchen," a badly executed, sprawling play with a host of superfluous characters, Fedor Denner boldly announces in the first act: "I am not speaking of the woman who sells herself or throws herself away—but what right have we to outlaw every one who has had the courage to love some one before *we* happened to come on the scene?" Yet in the stern test of experience Fedor so tortures himself over the story of little Fanny's early indiscretion, is so obsessed with the consciousness of it, that he finally insults her irrevocably and abandons her to recklessness and despair.

In "Das Vermächtniss" the young Hugo, thrown from his horse and fatally injured, lives just long enough to secure the promise that Toni and their four-year-old son Franzl shall be welcomed in the home and protected by his family. All goes well until the sudden death of little Franzl—the one vital link between the lamented son and the bereaved parents. They now inform the friendless, sweet-natured Toni that they will provide for her elsewhere. But she escapes life's heartlessness in the "cool, enfolding arms of death."

"Liebelei" is the real tragedy of the Schnitzler heroine. Theodor tries to rescue Fritz from a dangerous affair with a married woman, an aristocrat, by means of an association we may euphemistically denominate flirtation ("Liebelei") with a "dear girl" of the people. Christine, living alone with her aged father—who as he says "has protected her from all dangers—and from all happiness!"—makes a hero of Fritz and gives herself to him utterly. When Christine learns that Fritz, for the sake of this other woman, has been killed in a duel with the outraged husband and has actually been buried without her knowledge, a realization of her true position first flashes in upon her stricken consciousness. The quintessence of the tragedy of her type is expressed in her anguished cry, "What then am I?" Her flight into

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a night of desolation and despair, never to return we foresee, is the inevitably tragic solution of a social riddle that mocks the thought of our time.

Schnitzler's most subtle and highly complex study of souls is found in "Zwischenspiel," a study of the quadrangle beside which the vaunted problems of the triangle seem simplicity itself. Victor Amadeus, pianist, and his wife Cecilie, singer, enter into a thoroughly modern matrimonial compact —each to leave the other perfect amatory freedom. There remains no happiness for this sophisticated pair of reunited philanderers—after their liaisons begin to pall. The dilemma is a stroke of the finest art of the theater—Cecilie unable to trust Victor's constancy and incapable of confidence in the fidelity of her own instincts for the future. They part, still loving each other, yet mutually estranged—a shrewd vindication, this, of the conventional standards of marriage, a satire on the erotic vagaries of ultra-modernity.

Essentially Schnitzler is a dramatist whose genius flames into greater intensity the more circumscribed the area within which he works. Of his two dramas in the "grand manner" neither quite "comes off"—the motives become entangled, the threads of the narrative cross one another in confusing complication. "Der Schleier der Beatrice," unfolding the reckless abandon and passion of the Renaissance, little overtops Wilde's "The Duchess of Padua"—the lesson of the "world well lost for lust" palls nowadays. So, too, "Der Junge Medardus," the sensation of the Hofburg Theater in 1910–11, is overloaded with parts, characters, events, motives, words—through over-employment of means Schnitzler has defeated his end: to vitalize that strange conflict in which the conspirator, lured into the snare of personal fascination, dementedly gives the death blow to his own larger purpose and, quixotic, dies the victim of his own perversity. "Freiwild," clever as it is in its veiled polemics; "Der Ruf des Lebens," with its mixed morals and strained psychology; "Das Weite Land," of defeated promise, already produced at numerous theaters throughout Germany and Austria—all really contribute nothing to the larger meaning of Schnitzler and his place in the theater of to-day. Even if, in these plays, the craftsman devises individual acts and scenes full of magnetic force and electric thrill, in which plot is always subsidiary to atmosphere, the total effect is wavering and inconclusive.

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The deeper element in Schnitzler's work which has won me, despite the shocking erotics of "Reigen," the graceful lewdness of "Anatol," the satirical contempt of "Literatur," is his sincere, affecting sympathy for the tragedy of the frail young creatures so irresistibly projected, so inevitably embodied, in "The Fairy Tale," "The Legacy," and "Light o' Love." These are the three plays that justify Schnitzler's title of world-dramatist and align him with the serious social dramatists of our age, headed by Ibsen, Björnson, Hauptmann, Sudermann, Shaw, and Brieux. In a sense, his whole dramatic contribution resolves itself into a study of the erotic emotions of sex, and the temperamental reactions therefrom of the male and the female of the species. Now with the lightest of strokes, he delineates the comedy of disenchantment, the farce of disentanglement. Now with the precision of the master impressionist, without sympathy but without cynicism, he paints the disillusionments of the life of passion, when men and women fling aside ties fancied irksome for the illicit enticements of the "joy of life." But in his deeper moods, in the pathos of "Freiwild," that sardonic satire on the *code duello,* the finely conceived struggle of his long novel, *Der Weg ins Freie,* as well as in the three dramas mentioned above, he reveals the deep seriousness of the great artist, not the mere dilettante of literature. Here are real social problems vital to our own day and vital in the civilization of the future. The problem faced by Jane Addams at Hull House is the problem sympathetically presented, under various guises, by Schnitzler in his dramas. The double standard of morals is to-day legally sanctioned for men only. The force of public opinion, speciously masking its appetites under a pretense of an alarmed concern for the sanctity and integrity of the family, upholds the man in the illicit gratification of his instincts. The same freedom is denied to woman, with a Puritanical fervor instinct with the acme of hypocrisy. And yet when society is called upon to face the consequences of its ethical standards—privilege for the male, self-repression for the female—it has nothing but the scourge of contempt, abhorrence, and social ostracism, leading to tragedy, prostitution, and death for the woman who suffers the consequence of man's "legitimatized" sex passion. In painting the picture in the vivid colors of real life, in showing the tragedy of the woman and the inhumanity of

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society, without maudlin sentimentality and without crass hysteria, Schnitzler has dedicated his art to the reorganization of public opinion. He deserves well of a generation he has thus sought to purify and ennoble.

Schnitzler is, fundamentally, a dramatist who celebrates the "moment and the moment's monument." He functions most effectively in the one-act play, fittest *locale* for mood, temperament, and atmosphere. In the intricacies of the three-act drama Schnitzler has also been successful in finding himself. Beyond that limit he loses both his audience and himself in the vagueness of over-elaboration and the confusion of hyper-complication. His art is impressionistic and delicate—instinct with feminine grace and intuition, slightly satirical, softly melancholy. It is Vienna crossed with Paris, Wilde fortified with Ibsen. No other dramatist, it has been aptly said, has written tragedy with so light a hand or comedy with so ironically pathetic a smile.

ARCHIBALD HENDERSON.

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DAWN

BY FLORENCE EARLE COATES

In Orient mystery
Thou veilest thee,
Pale daughter of the never-quenchèd Light,
Who, from the couch of Night,
By swift-ascending steeds to heaven art borne
Ere yet thy sister, Morn,
Awaking, dons her wondrous vesture bright.

Like to a handmaid lowly, day by day
Thou dost prepare her way.
But when soft-trailing saffron and warm rose
Half veil and half disclose
Her glowing beauty rare,
And living things her sweet breath quaff,
And lift their heads for joy of her, and laugh—
Thou art no longer there.

Yet hours there be,
Child of Hyperion, sacred to thee,
That dearer gifts confer;
When mortals lay before thy dim-lit shrine
A thankfulness of worship more divine
Than any offered her:

When after night, distressful spent—
Night sleepless and intolerably long,
Comes, unexpected, eloquent,
A tentative, faint note of song;

And the o'erwearied watcher sighs,
And, lying still, with tear-wet eyes,

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Harkens while soft-ascending lays
Combine the most celestial praise
Earth knows; and sees Night's curtain drawn
Slowly aside, and whispers, "Dawn!"
Wistful beholds the tender gleam
Of Hope's pale star, where it doth beam
Eternal on thy brow,
And in its pure ray soothed and blest,
Sinks into rest.

FLORENCE EARLE COATES.

THE ISLE

BY G. E. WOODBERRY

ALL day the island-world had been
To me a finer sphere,
And all that I had touched or seen
Grew intimate and dear;
The world of recollection slept,
It had no power to stir,—
So sky and sea and mountain kept
Me beauty's prisoner.

Far from the human-haunted shore
In sunk and cloven dells,
Deep nooks, where caverned waters pour,
I dipped in iris wells;
There silence seemed a higher sense
Than is known unto the ear,
And life a being more intense
Than doth anywhere appear.

An arm's-breadth off she breathed the wild,
Her face was golden fair,
A Greek girl, supple, warm and mild,
And half her figure bare;
She stood so lightly on the mold,
So silently, so near,
I felt the forest round her fold
A phantom atmosphere.

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And all about such faun-like bliss
  Was breathing from the scene!
Those aery rocks, that green abyss,
  Antiquity had been!

She glided down the dark-stemmed wood,—
  Ah, had she known! the grace
Of an immortal sisterhood
  Was on her form and face.

Old isle! what handed lovers oft
  Wandered in thy dark grove,
With undropped eyes and touches soft,
  Kisses, and vows, and love!
Ah, had she known,—would she have fled
  And let the glamour die,
Or covert on to covert led
  And answered sigh with sigh?

I came where shores in moonlight slept
  On the dark violet air,
As if in dreams their slumbers kept
  A reign of memory there,—
As if a thousand years ago
  Something from them had flown,
Ocean nor heaven no more shall know,
  Nor any lover own.

G. E. Woodberry.

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THE SITUATION IN MEXICO

BY DOLORES BUTTERFIELD

In contemplating the present situation in Mexico there is a tendency of late to deplore the Madero revolution and the overthrow of Diaz, and to overlook the fact that the Diaz régime itself not only made and forced, by its political abuses, the revolution that overthrew it, but, by its economic abuses, prepared the country for the anarchy now rife in it; and also that it is the very same ring of men who surrounded Diaz and finally rendered his rule unbearable who are now financing and fomenting the present rebellion against a government not in sympathy with them nor subservient to their interests.

Porfirio Diaz attained the presidency of Mexico thirty-five years ago by overthrowing Lerdo de Tejada. His revolutionary plan of Tuxtepec contained an absolute *no re-election* clause, since it was against the re-election of Lerdo and alleged frauds committed to secure it that he was warring. At the end of his first term he retired, turning the government over to his close friend and comrade, Manuel Gonzalez, who proceeded very disinterestedly to amend the constitution in the matter of a president succeeding himself. Gonzalez, having neatly accomplished this task, withdrew at the end of his term and Diaz was elected president for a second term; and that office he held without interruption from 1885 until May, 1911.

In all but the last of the elections held during this period Diaz was the one and only candidate for president. Citizens had the ample privilege of voting for him or not voting. Only the politicians ever troubled to go to the polls, and they were always unanimous. As it became a needless nuisance to hold an election every four years the presidential term was extended to six.

Though he never fulfilled the plan of Tuxtepec to which

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he was pledged, Diaz nevertheless, at the outset of his career, accomplished some wonderful things for his country. He put an end to brigandage, which was at that time wide-spread. Such bandits as he could not buy he exterminated. His political opponents he also bought or exterminated, so that without the slightest disturbance to the national peace he could be unanimously re-elected whenever his term expired. Out of bankruptcy he established credit; he put up schools; he invited foreign capital into his country and made it possible for foreign capital to go in; and so he gradually built up a material progress which won him the name of "nation-builder." There were railroads and telegraphs; the cities were graced with beautiful edifices, with theaters and parks, with electricity and asphalt. There was the appearance of a civilization and progress, which, considering the time in which it was compassed, was indeed marvelous.

But all this was only a shell and a semblance. The economic condition of the Mexican lower classes was not touched—the process of "nation-building" seemed not to include them. In the shadow of a modern civilization stalked poverty and ignorance worthy of the Middle Ages. And it was notorious that in the capital city itself, under the very eyes of the central government, was where the very worst conditions and the most glaring extremes of poverty and wealth were to be seen. On the one hand, splendid *paseos* lined with magnificent palaces, where, in their automobiles, the pleasure-seeking women of the rich displayed their raiment worth thousands of dollars; and, on the other, streets filled with beggars, their clothes literally dropping off them in filthy rags, reeking with the typhus which for years has been endemic in the City of Mexico.

Let it be said to Diaz's credit that he did try, in a measure, at first to better those conditions. Hence the public schools which, though inadequate for the scattered rural population, have accomplished much in the cities. He also attempted years ago a division of the lands, but dropped it when he saw that the great landowners were stronger than he and that to persist might cost him the presidency.

It was natural and inevitable that a government in which there was never any change or movement should stagnate and become corrupt. Porfirio Diaz was not a president, but, in all save the name, an absolute monarch, and in-

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evitably there formed about his throne a cordon of men as unpatriotic and self-interested as he may have been patriotic and disinterested — as to a great extent he undeniably was. These men were the Cientificos.

The term is, of course, not their own. It was applied to them by the Anti-re-electionists, meaning that they were scientific grafters and exploiters. The full-fledged Cientifico was at once a tremendous land-holder and high government official. To illustrate, the land of the state of Chihuahua is almost entirely owned by the Terrazas family. In the days of Diaz Don Luis Terrazas was always the governor, being further reinforced by his relative, Enrique C. Creel, high in the Diaz ministry. In Sonora the land was held by Ramon Corral, Luis Torres, and Rafael Izabal. These three gentlemen, who were called "The Trinity," used to rotate in the government of the state until Corral was made vice-president, when Torres and Izabal took turn about until the death of the latter shortly before the Madero revolution. In every state there was either one perpetual governor or a combine of them.

Thus in each state a small group of men were the absolute masters politically, economically, and industrially. They made and unmade the laws at their pleasure. For instance, Terrazas imposed a prohibitory tax upon cattle which forced the small owners to dispose of their stock, which he, being the only purchaser, bought at his own price, after which he repealed the law. They adjusted taxation to suit themselves, assessing their own huge estates at figures nothing short of ridiculous, while levying heavily upon the small farmer, and especially upon enterprise and improvements. They practised peonage, though peonage is contrary to the Constitution of the Republic, to the Federal laws, and, in many cases, to the laws of the separate states as well. They drew public salaries for perverting the government to their private benefit and enrichment; and as the dictator grew older and surrendered to his satellites more and more of his once absolute power the conditions became so intolerable, and the tyranny and greed of the Cientificos so shameless and unbridled (infinitely more so in the southern than in the northern states), that it would have been a reversal of the history of the world if there had been no revolution.

There was already wide-spread discontent in the country when Diaz committed the mistake of the Creelman interview.

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In this interview he stated that the Mexican people were now, under his guidance, educated to a point where they were capable of self-government, and that in the approaching elections of 1910 he intended to retire and leave the field clear for the nation by means of political parties (which he regretted to say did not at present exist in his country) to elect whatever citizen it might see fit to the executive power. The purpose of the interview was really to stimulate the invasion of foreign capital, which was rather chary about undertaking large investments in a country whose economic well-being was supposed to hang by the physical life of one man. However, Mexico largely believed that he really meant it. If he had kept that promise, if before the people were enraged past all endurance and armed for revolution, before availing themselves of the shelter of a just cause, bandits and ambitious political leaders had risen up in arms all over the country, Diaz had retired and let the nation hold an honest and peaceful election the history of the past two years in Mexico might be written very differently.

Perhaps he even intended to keep that promise when he made it; but if so the Cientificos, who knew that his prestige and the love of the nation for him was their only shield, induced him to think better of it. When, encouraged by his own invitation, the political parties whose non-existence he had been deploring came forward with an enthusiasm that ought to have surprised him, he manifested none of the delight with which he had said he would welcome their advent. The strongest of these political parties was the Anti-re-electionist party. It embodied the best elements and the best ideals of the country and from the first was the one of which the Diaz régime was most afraid.

Now by its very name this party was pledged to no re-election, and yet it so far compromised with the régime as to nominate Diaz for president, only repudiating Corral, who was odious to the entire nation. However, the Cientificos saw that this was to be the entering wedge, and they promptly prepared to crush the new political faction.

General Reyes, who saw how the wind was blowing, refused the Anti-re-electionist vice-presidential nomination, and in a public letter urged all his would-be supporters, as they esteemed him, to vote for Corral. Nevertheless, he was subjected to numberless persecutions, until at last Diaz

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offered him a military commission which he accepted and which, taking him to France, relieved the Cientifico clique of his presence. Reyes was at that time a man of such prestige and popularity that his repudiation of the Anti-re-electionists and his subsequent departure were expected to demoralize the new party. However, it merely turned to seek a new candidate.

But this was not easy. Possible nominees were arrested for "libel" or for anything else, plausible or otherwise. Many had to flee the country. It came to be that men were afraid of the nomination and avoided it. Anti-re-electionists were arrested right and left; their newspapers were suppressed, the presses wrecked, and the editors thrown into prison. But the party's blood was up. It did not dissolve. It did not nominate Corral. Instead it struck Porfirio Diaz's name from its ticket and tendered to Francisco I. Madero, Jr., not the vice-presidential but the presidential nomination. The bare fact that he accepted it speaks volumes for his courage.

Francisco Madero was born October 4, 1873. He was educated from childhood in the United States and Europe; and upon returning to his country, imbued with the advanced ideas of the most broad-minded men of the most enlightened countries in the world, it was perhaps only natural that he should resent the conditions which he saw in his own country. The Madero family owns great tracts of land in Coahulia, besides properties in other states. Madero introduced modern methods and modern machinery in the management of his estates. Already a millionaire, he made more millions, at the same time doing much toward the betterment of conditions for his own immediate dependents among the lower class. Most men would have been content with that. The multi-millionaire philanthropist treads a safe and honored path. Evidently Francisco Madero was not content. He wanted to apply some fundamental, lasting remedy to alter the conditions which hopelessly doomed the lower classes of Mexico to peonage and virtual slavery. Standing guard over the economic situation was the political situation which turned the nation over bodily to its looters and exploiters. Plainly the political situation must be attacked first.

Madero first attracted attention by writing *The Presidential Succession in 1910*. The Cientifico clique laughed

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at him as a visionary. They had been afraid of Reyes the soldier, but Madero they ridiculed as a bookworm, a teetotaler, a vegetarian, and an impractical idealist generally. Suddenly they awoke to the fact that his book, with its calm, dispassionate logic and democratic tone, was doing them more harm than a thousand soldiers, and they suppressed its publication. It was the writing of this book that led to Madero's nomination for president by the Anti-re-electionist party when every one else had failed it.

Madero took the attitude that he was a presidential candidate in a free republic and began what he called his democratic campaign. He went from city to city, delivering speeches and laying his platform before the people. He was called "the apostle of democracy," and the multitudes followed him like an apostle indeed. But he did not carry out his democratic campaign without sacrifice and risk. When he passed through Hermosillo, Sonora, the hotelkeepers closed their doors to him. Torres, feudal lord of the state, had given out the necessary hint and Madero, for all his millions, could find no apartments for himself and his wife until a Spaniard—relying upon the fact of being a foreigner—offered them lodgings, "not wishing to lend himself to so ignoble an intrigue," as Madero said in his report to the Centro Antireeleccionista. This was but one city of many. In all places he had the most tremendous difficulty in renting halls for his addresses, unless some member of his own party happened to own some such hall. Frequently he was reduced to speaking in tumble-down sheds or mule-yards or vacant lots, the local authorities often going to the length of hiring rowdies to create disturbances at his meetings. He was ridiculed, he was threatened, he was persecuted, but he went on unafraid.

Just before and during the elections every known Maderista, from Madero down, was arrested on charges of "sedition." Things came to such a pass that in the city where I lived some sixty prominent Maderistas were arrested at two o'clock one morning without warrants and on no charge, it being noteworthy that the men arrested were almost without exception some of the best and most honorable men in the state. And this happened at the same hour of the same day in every city in Mexico. But in spite of the fact that many votes were lost to Madero through intimidation or actual imprisonment, so strong a vote was

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registered for the Madero electors that fraud was resorted to to cover his gains. The result of the elections was that Diaz and Corral were *unanimously* re-elected—the former for his eighth term and the latter for his second.

The Anti-re-electionists then appealed to Congress and the Senate to annul the elections, alleging fraud and intimidation. Without the slightest pretense of considering or investigating these charges Congress and Senate—long the mouthpieces of Cientificismo—ratified the elections as just and legal.

Every peaceful measure to bring about justice in the elections and insure the free expression of the nation's will was now exhausted. The only recourse left to the people by the Cientifico régime was war. Their leader at the polls became their leader in the preparations for that war, but any one who has read *The Presidential Succession in 1910* knows that the revolution was neither of Madero's making nor seeking. In that book he voices his fear of the consequences to Mexico if an armed rebellion should ever become necessary and points out its immediate and future perils. He gave the dictator and the Cientificos every opportunity to keep the law and avoid the conflict. If they had yielded an inch, if they had shown even the most infinitesimal respect for the republican institutions of the country, they might have saved themselves from the revolution. But each day they went further in abuse and persecution; each day they proved more and more conclusively even to those who had until now believed in them (let me say that I was one) the unbridled looters and despots that they were; and each day they made more and more inevitable, necessary, and just the revolution which dethroned them.

In the midst of this riot of tyranny, while the nation yet seethed with indignation at the outrageous electoral farce imposed upon it, the first Centennial of Mexican independence was being celebrated before the foreign diplomats with unprecedented pomp and display. The Anti-re-electionists declared that Liberty was dead and that instead of celebrating they were going to don deep mourning. In the cities where they did participate in the celebrations (never in a spirit of rejoicing, but only in deep gratitude and reverence toward their heroes) they obtained permits and held acts of commemoration of their own as distinct from the " official " programmes. They were thus a mark

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for all manner of persecutions from petty annoyances to the most unprovoked armed attacks. Some students were fired upon by troops while they were carrying wreaths to the monument of the boy heroes of Chapultepec; a young lawyer was arrested for making a speech beneath the statue of Juarez; and in Tlaxcala a procession of unarmed working-men was fired upon and ridden down by *rurales*, several men and a woman being killed. Consecrating hypocritical hymns to a liberty that did not exist and heaping with wreaths the tombs and monuments of the heroes of Mexico, while violating all the ideals for which those heroes died, drunk with the power they had wielded so long, the Cientificos pressed blindly on, following the path that Privilege has taken since the beginning of history and which has only one end.

People say now that Mexico has vindicated Diaz. To those of us who saw it nothing can vindicate the last year of his rule. Mexico, in proving herself the just and natural and perhaps irredeemable product of conquest, militarism, and Cientificismo, cannot excuse or justify the military dictatorship which, necessary and beneficial at first, corrupted itself in the height of its power to the selfish interests of a few individuals, and thus in its decline steadily undid whatever it had wrought before of national good—even to making shameful and abhorrent and inevitably undermining the vaunted peace which was its principal boast.

These are some of the causes and circumstances that made the revolution of 1910–11—not all of them, for there must be remembered in addition the Yaqui slave traffic, the contract labor system of the great southern haciendas, and a dozen other iniquities, greater and lesser, which also contributed to precipitating the revolt. It was fortunate that that revolt was captained by a man of Francisco Madero's type—a man who knew how to win the world's sympathy for his cause and how to make his subordinates merit that sympathy by their observance of the rules of civilized warfare which he gave them in the plan of San Luis Potosi. That document would seem to be elastic, judging by the number of promises since claimed to have been made in it; but it *did* contain strict orders against any manner of atrocities, with warning that officers would be held responsible for any acts of barbarism committed by their men unless they could most fully establish their innocence. True, even in

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the Madero revolution some atrocities were committed, the worst being the Chinese massacre in Torreon; for in the shadow of a great man and a just cause many rise up who are not really guided by the principles of either. But the Chinese massacre was without any parallel, and other acts of cruelty or even of looting were very few. The past revolution had what the present one lacks—honorable officers, for the most part, who exerted themselves, each in his own sphere of personal influence, to prevent deeds of violence by the ignorant which would discredit a cause they loved.

The actual armed contention of the Madero revolution was singularly brief, culminating in the capture of Ciudad Juarez, which was followed by the resignation of Diaz and Corral. There can be no doubt that the dictatorship could have held together for a considerable time longer and that Diaz surrendered before he actually had to. But he could probably see by this time that it was inevitable in any case, and he was willing to sacrifice his personal pride and ambition sooner than necessary to avoid bloodshed in Mexico if he could. And also he had it upon his conscience, and it was brought home to him by the mobs outside his palace, that he was not the constitutional president of Mexico, but the tool of the betrayers of her Constitution. That he had been shamelessly deceived and played upon by the impassable cordon of Cientificos about him is easy to judge. His message of resignation was one to touch any heart, combining pathos with absolute dignity. But his own words, uttered thirty-six years before and meant for another man, justified his overthrow. "Let no citizen impose or perpetuate himself in the executive power and this will be the last revolution."

The resignation of Diaz and Corral was taken by many to signify the complete surrender of the old régime and the triumph of the revolution. Indeed, for the moment it so appeared. But although the Cientificos were ousted from direct political control, their wealth and power and the tremendous machinery of their domination was still to be contended with before the revolution could follow up its political success with the economic reforms which were its real object.

Madero had pledged himself primarily to the division of the lands. He realized that only by the abolition of the

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landed aristocracy, and an equitable distribution among moderate holders for active development of the huge estates, held idle in great part or worked by peons, could the progress and prosperity of the nation be put upon a solid basis. He knew exactly what the remedy was and, though a landed aristocrat himself by birth and inheritance, was not afraid of it. As soon as he was elected to the presidency he set a committee of competent, accredited engineers to work appraising property values in the different states, and great tracts of hundreds of thousands and millions of acres, previously assessed at half as many thousands as they were worth millions, were revalued and reassessed at their true inherent value. The *haciendados* raised a frightful cry. They tried threats, intrigue, and bribery. It was useless; the revaluation went on. The new administration reclaimed as national property all that it could of the *terrenos baldíos*, or public lands, which under Diaz had been rapidly merging into the great estates. It established a government bank for the purpose of making loans on easy terms and thus assisting the poor to take up and work these public lands in small parcels. Even before becoming president Madero had advised the working-men to organize and demand a living wage, which they did. He attacked the lotteries, the bull-fights, the terrible pulque trust, the unbridled traffic of which, more than any other one factor, has contributed to the degradation of the lower classes. He began to extend the public-school system, and it was hinted that in those schools the teaching of the Constitution of '57 would be made compulsory.

From the first the Cientificos hampered and impeded him, and he had to contend with the obstructionist policy adopted by a Congress left over from the days of Diaz—a Congress which had been elected to serve a certain term and which Madero, in his desire to conform to the law and to his own democratic theories and take no arbitrary measures, retained in office pending the expiration of that term. So little were the various state elections biased by the party in power that whenever by actual vote the Cientificos could worst the Madero candidates and get their own men into the state legislatures and other political bodies they had the full liberty of the law to do so—and by masquerading as " Democrats " they frequently managed it. But liberty of election was not enough for them. They bought state

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executives wherever they could, who did their best to reverse the Madero policies and deliver their states into the hands of the same grafters who had ruled them before—as happened in Sinaloa, for instance. But even this did not satisfy the Cientificos. Were they, who had controlled the central government and every state, to be reduced to only a state here and there? Was Terrazas, heretofore the autocrat of Chihuahua, to be bearded in his own stronghold by the uncompromising, unpurchasable Gonzalez? Was Torres to surrender Sonora to the capable and honorable Maytorena? Were the mighty lords of the separate entities, north and south, to let their huge estates be revalued and taxed at their just value, their peons enabled to acquire land of their own, the privileges in which they had so long run riot to be curtailed? What wonder that Madero had barely assumed the presidency when the "counter-revolution," long muttering and threatening, broke out in earnest?

To foment this counter-revolution they took advantage of the fact that in various parts of the country there were disorderly bands of armed men committing numerous depredations. These men had risen up in the shadow of the Maderista revolution, and at its close, instead of laying down their arms, they devoted themselves to the looting of ranches and ungarrisoned isolated towns. Of these brigands—for they were neither more nor less, whatever they may have called themselves then or may call themselves now—the most formidable was Emiliano Zapata. His alleged reason for continuing in arms after the surrender of the dictatorship was that his men had not been paid for their services. President De la Barra paid them, but their brigandage continued. Loath to see the army turned upon a man who had seemed to lend good service to the revolutionary cause, Madero—at that time a private citizen—paid him an unofficial visit in an effort to pacify him by friendly means. He promised the outlaw absolute pardon for his political offenses, but added that for the civil crimes charged against him and his men, committed against non-combatants (murder, arson, and rapine), he must answer before the courts of the nation if civil suit should be brought against him, since Madero could not and would not take it upon himself to pardon these crimes in case the charges were true. Zapata, declaring himself a maligned patriot, gave his solemn promise to lay down his arms and prove, if need

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be, before the civil courts his innocence of the heinous offenses attributed to him. This promise he subsequently made not the slightest move to keep.

Naturally, a revolution composed of unorganized bands of looters, whose only approach to a leader was such a man as Emiliano Zapata, could not gain any great headway, far less win the support and sympathy of public opinion. Their depredations were confined to the mountainous regions of the South, where the geography of the country protected them; and as for a political or military programme, they had no shadow of one.

A tenacious Federal campaign had reduced these marauders to the last straits when the decoy revolution of Reyes, calling many of the available troops to the North, gave them a new lease of life. And then suddenly, just when the Zapatistas were again on the point of being crushed, there was a mutiny of the garrison of Ciudad Juarez in Chihuahua, and though it was quelled the disorder spread throughout the state. And at the most critical moment Pascual Orozco, Jr., Madero's trusted lieutenant, in command of the military forces of Chihuahua, issued—on the heels of reiterated promises of fealty to the government—a *pronunciamiento* in favor of the revolution and delivered the state which had been entrusted to his keeping to the revolutionists at whose head he now placed himself.

The new malcontents alleged as their justification the non-fulfillment of the plan of San Luis Potosi. They declared that Madero had betrayed the revolution, and that they were going to overthrow him and themselves carry out the promises he had made. This sounds heroic, noble, and patriotic, but will not bear close inspection. In the first place, many of the revolutionists with whom the new faction allied itself had been in arms since before Madero was even elected—a trivial circumstance, however, which did not seem to shake their logic. Moreover, as any honest, fair-minded person must have recognized, the promises of the plan of San Luis Potosi were not such as Madero could fulfil with a wave of his hand or a stroke of his pen. They were big promises and they required time and careful study for their successful undertaking and the co-operation of the people at large against the public enemies, whereas Madero was not given time nor favorable circumstances nor the intelligent co-operation of any but a small proportion of

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the population. In spite of the Cientifico political intrigues, on the one hand, and the armed disorders of the Zapatistas on the other, he had carried out many of his pledges and had taken steps toward the carrying out of others. That he did not comply with them all is directly attributable to the revolution itself, since he had given every evidence of good faith; and his work was distinctly interrupted by the rebellion assuming larger proportions. But this again does not stagger the logic of those who are fighting him.

As a matter of fact, Madero himself, far from overstating the benefits of the revolution led by him or making unwise promises of a Utopia impossible of realization, addressed these words to the Mexican people at the close of that conflict: "You have won your political freedom, but do not therefore suppose that your *economic* and social liberty can be won so suddenly. This can only be attained by an earnest and sustained effort on the part of all classes of society."

Orozco's accusations of Madero, however, have not been able to disguise the fact that the motive power behind his fiery patriotism is dollars and cents. A contribution was voluntarily raised by the bankers and landowners of Chihuahua—in other words, Creel and Terrazas—and given to Orozco for his treason. Part of the money that bought him was paid to him in one of the principal clubs of the city of Chihuahua by Alberto Terrazas, a near relative of Don Luis; and he was promised more money and great tracts of land (with twelve million acres one may be generous) when he should have accomplished the overthrow of Madero.

The revolution organized under a formal head gained impetus and, sweeping the state of Chihuahua, spread to other states. But always its ranks were recruited from the lowest, most disorderly elements—men who could be enticed by prospects of loot and by the Cientifico money so generously pouring into the country from Europe and the United States (where the principal Cientificos have insured themselves) to foment the revolt in different parts of the country. One thing stands out beyond any manner of question: that the conduct of the present revolutionists has fallen very far short of that observed by the Maderistas last year. Madero looted no banks, shot no prisoners. On the contrary, he risked his own life to save that of General Navarro, captured at Ciudad Juarez; and non-combatants and foreigners were carefully respected. Orozco, in his

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zealous defense of the plan of San Luis Potosí, seems to have forgotten its clauses respecting the shooting of prisoners of war and the responsibility of officers for the conduct of their men.

The treason of Orozco added to the military strength of the rebellion, but did not raise that rebellion in the general estimation. On the contrary, so great was its discredit that Orozco's own overwhelming popularity and prestige fell away from him completely the moment he identified himself with it. He may try to pass for a patriot, a "liberal," and the defender of a just cause if he pleases. But his actions speak for themselves. As an individual, as an officer, and as a public man his conduct has been in the extreme perfidious and dishonorable. Public opinion has so recognized it and has condemned it accordingly.

Thus there are arrayed against the administration the same Cientifico clique which Madero fought when they were in the government and he outside of it; an army financed by them and commanded by a bought tool of theirs; their salaried press which has steadily and systematically misrepresented the motives and actions of the administration; the American non-resident owners of enormous Mexican tracts who have filled the press of this country with falsehoods, exaggerations, and needless clamor about intervention; and the great interests of this country generally who realize that a radical government in Mexico, putting in operation the same economic theories under which our northern neighbor is making such great strides, would not only be a menace to the Wall Street control of Latin America, but might bring that menace nearer home. And in addition to these many and potent forces the administration has to contend with the Mexican lower class—a class illiterate and poor in the utmost extreme and upon whose hunger and whose poverty the pulque trust has preyed; a class in great part degraded and vicious and at the best easily deceived and led astray. This class does not understand Madero; it cannot grasp his political and economic reforms. It clamors about the land without realizing that the revaluation and taxation of the great estates would solve the agrarian problem far more justly, permanently, and effectually than the forcible seizure which appeals to it as the only practicable solution. The bare fact of Madero's election failed to bring about the millennium which the

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ignorance of this class had been led to picture. Therefore, it lends ready ears to the insidious charge that Madero has betrayed the people — they have been so often betrayed! Did he not promise that the rich should be poor and the poor should be rich, that all that there was should be shared by all alike? Promises, to be sure, for which, as for many another, you may search in vain through the plan of San Luis Potosi. But it is easy to deceive the illiterate and, in their pitiful blindness, to mislead them against their own interests to serve the ends of their perpetual foes.

But although a certain proportion of Orozco's followers may be composed of brave men genuinely mistaken, whose ignorance has been played upon by ambitious leaders in the pay of the Cientificos, by far the greater part of the forces of the rebellion are made up of the vicious elements of the country—an element fostered and perpetuated by the slave system of the southern plantations combined with the liquor traffic. These men merely make a cloak of the agrarian problem, of the imaginary promises made and broken by the president, or of whatever else occurs to them. They are not really fighting for any principle nor for any justice either to themselves or to others. Thirty-five years of peace have left them without reverence for peace or illusions concerning its benefits to their class. They know that in the past the law has forged chains for them while giving to others the whip of absolute mastership. This being the case and they being unable to comprehend how or why peace and law could ever mean anything else, and war offering loot, license, and good pay, they are for war heart and soul.

It is to be feared that for long years to come Mexico must stand judged in the eyes of the world by the disgraceful and uncivilized conduct of the various rebels, or so-called rebels, and simon-pure bandits who are contributing to the revolt and running riot over the country; but there is, nevertheless, in Mexico a class of people as educated, as refined, as honorable as those existing anywhere. And these people —the *obreros* (skilled working-men) and the professional middle class, as well as the better elements of the laboring classes, are supporting Madero—not all in the spirit of his personal adherents, but because they realize the tremendous peril to Mexico of continued revolution. Last year the revolution was necessary—the peril had to be incurred, be-

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cause nothing but arms could move the existing despotism; but none of the pretended principles of the revolution can now justify that peril when the man attacked is the legal, constitutional, duly elected president, overwhelmingly chosen by the people, and venomously turned upon immediately following his election without being given even an approach to a fair chance to prove himself. All the better elements of the country realize that Madero no longer represents an individual or even a political administration. He represents the civilization of Mexico struggling against the unreined savagery of a population which has known no law but abject fear, and having lost that fear and the restraint which it imposed upon it, threatens to deliver Mexico to such a reign of anarchy, rapine, and terror as would be without a parallel in modern history. He represents the dignity and integrity of Mexico before the world.

Whether he can win or not is a question which will probably be decided now in a short time. If he fails it is the last of Mexico; for after him the different chiefs of the revolution, now allied or partially so, will be at one another's throats, with no end in sight except the loss of Mexico's autonomy; or, perhaps, the rise of another and far worse dictator who would institute another and more unbridled reign of Cientificismo which would end in a few years in another and worse revolution. If Madero does win he will have before him a task before which the stoutest heart might well give way, the task of holding the savagery of the slave population in check while striving to remedy the conditions which have bred it; and in order to remedy those conditions, fighting back inch by inch in every field, those "scientific" exploiters who would rather see their country hurled to any disaster than have their private privileges assailed. But whatever the outcome, whether it triumphs or fails, the new administration, assailed on every side by an enemy as treacherous and unscrupulous as it is powerful and making a last stand—perhaps a vain one—for Mexico's economic liberty and political independence, merits the support and comprehension of all the progressive elements of the world.

DOLORES BUTTERFIELD.

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THE INFLUENCE OF SOCIALISM ON THE OHIO CONSTITUTION

BY THE HONORABLE DANIEL J. RYAN

THE present constitution of Ohio, which was adopted in 1851, makes it imperative on the General Assembly to submit every twenty years the question, "Shall there be a convention to alter, revise, or amend the constitution?" In 1871 the people authorized the convention, but rejected the constitution presented by it; in 1891 a proposal to hold a convention was defeated, it receiving only 99,789 votes out of 803,328 cast at the election. In addition to these attempts to alter the fundamental law, there have been at different times efforts to change it by amendments offered by the General Assembly. During the period from 1851 to 1911 thirty-nine amendments have been voted upon and of these only ten were ratified. Thus it will be seen that in the past there has been a marked conservatism on the part of the people of Ohio in regard to changes in their constitution.

For the third time the question of holding a convention was submitted in 1910; it received a majority of the votes at the election that year because both political parties inserted in their ballots the words "Constitutional Convention—yes." This was accomplished through the systematic work of Labor leaders, Socialists, single-taxers, and other reformers. The political leaders of both parties were anxious to cater to these influences in order to obtain votes. It is true that an alternative expression—"Constitutional Convention—yes or no"—was placed upon the ballot in a separate column, but it was generally disregarded. The result was that every Democrat and Republican that cast a straight ballot voted for a convention to revise the constitution. This vote, expressed by a single line buried in the middle of a ballot two feet long, was not observed or read

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by one voter in five. Thus was obtained for the convention 693,263 votes in a total of 932,262. In the campaign in which this question was pending the grave subject of the creation of a new constitution was not referred to in any way. Not a single newspaper in Ohio discussed it, and the orators of both parties were silent on the subject. In truth, it was ignored and forgotten and as an issue it was practically unknown to the large mass of the people. There was no public sentiment for a new constitution; the people were well satisfied with the instrument adopted sixty years before.

Exception, however, must be made in that connection to the radical elements before mentioned. Every Socialist center, every lodge of trade-unionists, and every single-taxer was a militant unit of a silent and persistent propaganda that saw in the proposed convention the long-looked-for opportunity to carry out their well-known doctrines. Thus, so far as the calling of the convention is concerned, the result was a forced vote and practically a fraud on the majority of the voters of Ohio. The reader is doubtless prompted to remark that we must have a very indolent and indifferent electorate in Ohio. Well, that is largely true, but the neglect is partly chargeable to the fact that our farmers, manufacturers, business men, and property-owners are busier and more prosperous than they have ever been in the history of the State. This condition is not conducive to attention to public affairs. Admittedly this is a poor excuse, but it is the best that can be given, and the apathy referred to is not confined to the State of Ohio. The business-attending element will learn later that the most important part of their private affairs is to take part in the public business. They will discover that the necessities of business are not limited to creating and directing property, but includes the preservation of its ownership.

That the majority vote on the convention was an involuntary and enforced one is evidenced by the result of the election of the delegates to that body. At this election, held in 1911, less than twenty-five per cent. of the electors of the State participated; and not a single delegate received a vote of a majority of the electors of the county from which he was elected. The delegates were elected on a non-partisan ballot. They boasted of entire freedom from party control and responsibility. They were nominated by petition; any one securing the required number of names could

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become a candidate. This opened the door to all kinds of men; it practically closed it to those of great fitness and ability. The result was a mediocre, unorganized, and chaotic mass, nearly every unit of which had some fad, reform, or idea of his own to inject into the basic law. The fruit of this condition was the submission of forty-two amendments to the present constitution, of which, at the special election held September 3d, the people of Ohio adopted thirty-four. The amendments submitted ranged in merit from the unnecessary and harmless to the vicious and revolutionary. Some were pure legislation within the power of the General Assembly to enact, as the abolition of capital punishment and reform in the civil jury system; others proposed measures that would result in great financial loss to the State; as, for instance, taxation of State and municipal bonds and the unrestricted imposition of a fifty-million-dollar debt on the people for good roads; while others embodied a distinctive Socialistic régime, such as the initiative and referendum, the "welfare of employees" clause, and a modification of the powers of the court relative to contempt and injunction.

Of the amendments adopted I propose to consider two that interest and affect not only the people of Ohio, but of the whole country. The others relate entirely to the domestic affairs of that State and concern them alone. There are, however, far-reaching purposes and wide influences in the adoption of the amendments relating to the initiative and referendum and the "welfare of employees." These two articles in their design and operation are Socialistic and revolutionary. They are part of a plan adroitly consummated which at the proper time can be used to strike a fatal blow at the stable property and business interests of Ohio. The initiative and referendum amendment, now a part of the constitution of Ohio, is more radical and misrepresentative in its operation than the similar measure in any other State in the Union. It is needless here to go into the details of the amendment. It is sufficient to say that there is included therein every step and provision necessary for its operation. Its advocates were unwilling to leave any powers to the General Assembly. They did not propose to take any chances on public sentiment changing. The principle of legislation by the crowd is therefore securely sealed. The fundamental idea of an initiative

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proposition is the number of petitioners required to place a proposed statute before the Legislature. Ohio has distinguished herself by making this percentage the smallest yet adopted by any State. In the West, where the initiative has been adopted, the percentages range from five to fifteen per cent. For instance, North and South Dakota each require five per cent.; Arkansas, California, Colorado, Missouri, Montana, Oklahoma, and Oregon require eight per cent.; while Arizona, Nevada, and New Mexico require ten per cent. In Ohio legislation may be initiated by a petition signed by three per cent. of the voters of the State. The basis of the required percentage is the total number of votes cast for Governor at the last preceding election therefor. In 1910, when Governor Harmon was elected, there were 924,463 votes cast, although there are really 1,250,000 in the State. To initiate legislation, therefore, it is necessary to secure a petition with only 27,733 names. In this connection the vote of the Socialist party for Governor for several years past is pertinent. It gives us an idea as to where Ohio is drifting. In 1903 the Socialistic vote was 13,195; in 1905, 17,795; in 1908, 28,573; and in 1910, 60,637. The percentage this element could contribute to an initiative is apparent.

If, when the petitioned bill is presented to the Legislature that body refuses to pass it or amends it, an additional three per cent. of the electors may require the submission to the people for approval or rejection of the original bill or any amendments thereto. Thus are destroyed the legislative power and independence of the General Assembly, the tendency and purpose of which are to hold a perpetual political threat over its members and make them subject to popular impulse regardless of right or justice. This is the government of the crowd with a vengeance. The condition is accentuated with the referendum, by which any law passed by the General Assembly may be submitted on a petition of six per cent. of the electors, for approval or rejection at the next election. The constitution is also subject to direct initiative, and this, too, without any action of the General Assembly. Whenever ten per cent. of the voters, on the basis referred to, file a proposed amendment in the office of the Secretary of State it must be submitted to the people. One would naturally suppose that such an innovation in the civic machinery of our State would call forth a large vote,

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but it did not. Less than half of the voters came to the polls, and the amendment was placed in the constitution by one-fourth of the entire electorate. It was, doubtless, the intention of the advocates of these new measures to limit inquiry and discussion. Heretofore, under our present constitution, amendments were advertised for six months in two papers of opposite politics in each county. But this convention limited the publication to five weeks before the election.

What was the motive power that gave to conservative Ohio such a radical measure? The chief agencies in this work were the Socialists, single-tax advocates, and the labor organizations. They easily dominated the convention. The president, Herbert S. Bigelow, of Cincinnati, was the directing and controlling spirit of its deliberations. He has been for years the head of the Single Tax movement in Ohio. The Direct Legislation League, organized by him, had for its purpose the promotion of the initiative and referendum, which he plainly saw was the advance messenger not only of single tax, but of Socialism. He was easily the most influential figure in the convention. With ability for organization, a well-developed knowledge of economic questions, and an effective oratory, he naturally, among an unorganized mass of mediocre men, became the leader. He had a well-controlled majority pledged to his favored direct legislation. To win this support he sacrificed his pet idea by providing in the amendment that the initiative and referendum shall not be used to pass a law "authorizing the levy of any single tax on lands or land values." Single-taxers were aware, if the conservatives were not, that this provision could be amended out by the initiative. Louis F. Post, editor of *The Public,* the organ of the Single Tax movement, on April 5th said: "As it is, the new constitution of Ohio can be amended by initiative so as to strike out the inhibition. As soon as public opinion is behind the single tax all that will be needed is ten per cent. of the voters to petition for such an amendment." Joseph Fels, the "angel" of the single-tax party, ridiculed, according to the public press, before a Philadelphia audience the position assumed by the convention in applying the initiative to all law-making except that relating to the single tax. "But," said he, "we single-taxers are satisfied with it because we can soon get rid of this inhibition when the powers of initiative and referendum

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are established." Equally interested were the Socialists of Ohio in this movement, for they have been working for ten years to bring about this day. In 1910 Tom Clifford, their candidate for Governor, declared: "We demand collective ownership of all the land, mines, machinery, and tools. Single tax is the kindergarten of Socialism. The initiative and referendum and recall have been the insistent demands of the Socialists from the first organization as the means to attain our ends."

Another Socialistic principle engrafted into the constitution was deceptively labeled on the ticket as "Welfare of Employees." It received support on account of its apparently generous purposes and well-sounding title. This amendment is as follows: "Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety, and general welfare of all employees; *and no other provision of the constitution shall impair or limit this power.*"

As a specimen of vicious and discriminating organic law this has no parallel in the constitutions of civilized States. It gives the power to the crowd and the General Assembly to legislate for a single class of citizens regardless of the restraints or guarantees of the constitution. The courts of this country have been extremely liberal in sustaining laws relating to "the comfort, health, safety, and general welfare of all employees." This has been justified under the police power of the State. But never has it been contemplated that all the constitutional guarantees to personal and property rights should be made entirely subject to the police power. Yet this amendment does just that thing. The constitution of Ohio contains a "Bill of Rights" consisting of twenty sections. In these are enumerated "certain inalienable rights among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety." Among these specially enumerated are the right of trial by jury, liberty of worship, speech, and press. Private property is held to be inviolate and shall never be taken except for public welfare, and then only for compensation. This "Bill of Rights" is practically the same in all the State constitutions. It is in the Federal Constitution. These solemn declarations of personal rights are the result of six hundred years of struggling for constitu-

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tional liberties. They are not only a guide, but a limitation to the Government in its exercise of power. These rights were first declared by the Magna Charta and confirmed by centuries of conflicts in Parliaments and on battle-fields. They preserve to us all that life is worth living for. And yet this amendment provides that all these rights may be swept away in Ohio if it interferes with the laws fixing the hours of labor, a minimum wage, or the "comfort, health, safety, and general welfare of all employees." On these subjects unlimited and tyrannical power may be exercised and no provision of the "Bill of Rights" or any other article can be invoked to prevent it. The State courts cease to be the refuge of the wronged, for the constitution as amended takes away all remedies. To realize the full force and effect of this provision it must be borne in mind that it does not apply to legislation affecting the farmer, the manufacturer, the capitalist, the banker, or the mine operator. It is for their employees alone. It would be just as vicious and tyrannical if it had included any or all of the classes enumerated and excluded the employees. It is wrong in principle and was framed to make more easy the consummation of the Socialistic régime. It has the additional purpose of tying the hands of the courts of Ohio on the questions that are the subject of the amendment. The prompters of this say to the Supreme Court of Ohio, "You may decide, as you have in the past, that some of our legislation interferes with the personal and property rights of employers; we now have a constitution under which no provision of it can be invoked to 'impair or limit' that legislation."

All the struggles of the English-speaking race for self-government would be a failure if such a principle could be enforced. The Federal Constitution is the preventive. The amendment under discussion is clearly opposed to the Fourteenth Amendment, the first section of which was designed especially as a check upon the unreasonable exercise of State powers. The fifteen amendments to the original Federal Constitution contain every principle of the Magna Charta; they compose the "Bill of Rights" of every citizen of the United States. If the citizen of Ohio is denied any of these rights under his State constitution he can appeal to that of his country. The Fourteenth Amendment declares that: "All persons born or naturalized in the United

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States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Herein he has in matters of class legislation the source of his relief. And when the first law is passed in Ohio disregarding the rights of a citizen in order to fix hours of labor, minimum wages, or provide for the general welfare of employees, it will undoubtedly, if tested, be declared in conflict with the Federal Constitution. In that instrument lies the safety of American citizenship, and it was never more necessary nor more worthy of respect than it is to-day.

DANIEL J. RYAN.

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MODERN SANITATION

BY ALVAH H. DOTY, M.D.

History presents little or no authentic information regarding the means employed in very early times for the protection of the public health, and it is doubtless true that the measures enforced in dealing with outbreaks of infectious disease and sanitary conditions, depended chiefly upon the various theories of those in charge of this branch of the public service. The term plague constantly occurs in connection with the literature of these outbreaks, although cholera and typhus fever, particularly the former, were unquestionably frequently involved as well as plague.

The loss of life reported to have been caused by these outbreaks seems almost incredible, although it is verified by reliable statistics. During the fourteenth century plague brought from the East invaded western Europe, and under the name of the "Black Death" swept away within a few years one-quarter of the population of that section of the world, probably about twenty-five million inhabitants.

Even as late as the last century typhus fever appeared in Ireland, and the rapidity of its extension and destruction of life almost equaled the outbreaks of earlier times. It is a significant fact that this outbreak occurred during the well-known Irish famine, which was associated with great destitution, overcrowding, and filth, and did not disappear until the return of a plentiful harvest.

In the past the occurrence of these outbreaks was commonly regarded as a visitation of Providence which should not be interfered with. Even now this belief exists to a large extent in the far East, where outbreaks of cholera and plague frequently occur and where modern methods of sanitation are apt to be looked upon with displeasure, and the assassination

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of sanitary officers who are striving to enforce proper health regulation is of common occurrence.

A belief still exists throughout the world that the East is the permanent home of cholera and plague and for some reason they cannot be exterminated. Nothing is further from the truth. The various religious beliefs, ignorance, and, more particularly, political conditions, have made it impossible, or rather impracticable, to carry out the necessary means to destroy these infected centers.

To-day modern sanitation justifies the statement that the deplorable conditions which have been referred to will never occur again where proper sanitary measures are in force. This does not imply that an outbreak of an infectious disease is promptly and easily dealt with or that its appearance in a community may not be associated with considerable concern, but it means that it is sure to be successfully controlled if proper sanitary methods are enforced.

It is of great interest to know by what means this exceedingly important change has been effected, the value of which cannot be overestimated.

During the centuries which have passed there have been many students and indefatigable workers along the lines of public health protection who have added largely to the general knowledge of this subject. For instance, during the fourteenth century quarantine was first instituted. This occurred in Venice. The term quarantine is of Italian derivation and literally means a detention of forty days. No satisfactory information exists as to why this period should have been selected for the detention of vessels arriving from presumably infected ports; and although the earlier quarantine regulations were for various reasons defective, still it was an advanced step in public sanitation and particularly emphasized the value of preventive measures.

A further illustration of this may be cited; this is in connection with the work of Cardinal Gastaldi which occurred during the outbreak of plague in Rome in the seventeenth century. He not only assumed general management of this emergency, but looked after the details as well. His intense interest in the subject, his study of the course of the disease and the means of combating it, led him to insist upon cleanliness and so far as possible the careful isolation of the cases. To-day these two factors are regarded as among the most potent in preventing the extension of infection. As a re-

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sult of the Cardinal's effort, there were but fourteen thousand deaths in Rome, while at the same period three hundred thousand deaths occurred in Naples. While it cannot properly be said that this remarkable difference in mortality was due wholly to the precaution taken by Cardinal Gastaldi, it is entirely fair and logical to assume that the methods he employed were the chief causes of the more favorable result in Rome.

Although the effectiveness of sanitary methods continuously increased, it was not until about 1880 that public sanitation was placed on a scientific basis and a new era in the protection of the public health began. The public know but little of this important event and how far-reaching and successful it has been in defining the means to be employed to secure this end. It may properly be said to mark one of the great discoveries in the history of the world, for at that time were made known the researches of Pasteur and Koch respectively, a French and a German bacteriologist who had been working independently of each other. The evidence they presented as to the germ origin of infectious diseases was absolute and conclusive. The announcement of their discoveries gave instant and enormous stimulus to further bacteriological investigation, and in comparatively quick succession followed the identification of the specific organism or germ of many of the infectious diseases. The list now includes tuberculosis, cholera, plague, typhoid fever, diphtheria, and others. It must be obvious to all that the value of this knowledge cannot be overestimated. It means we now know the enemy we deal with in the prevention of infectious diseases, its character and the means by which it can be attacked and destroyed, while before this discovery ignorance prevailed on this special subject.

Exhaustive investigation as to the means by which infectious germs are transmitted from one person to another has also been carried out. This has been rewarded by the most satisfactory results, and, among other things, has presented indisputable evidence of the falseness of some of the former theories relating to this subject. Some of these theories which were popular in the past have in modern times fallen by their own weight; others have continued to prevail, and at least one of them is still popular, although, curiously enough, there is but little scientific evidence to sustain it. From the earliest times this theory has dominated

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all health regulations the object of which has been to prevent the extension of infectious diseases. I refer to the belief that clothing, baggage, money, cargoes of vessels, etc., are *ordinary* or *common* means of infection. This is now known as the Fomites theory. Proof that it was generally accepted as early as the fourteenth century is shown by the fact that while vessels at that period were held in quarantine, certain portions of their cargo, clothing, etc., were placed on deck in order that they might be purified by the sun and air. Those who still accept this theory believe that various articles, particularly textile fabrics, are able to transmit the organisms of at least some of the infectious diseases in their active state from one person to another. There is probably no theory ever advanced which has been so generally accepted as this one, although it has militated against the successful treatment of outbreaks of infectious disease, for it has encouraged carelessness in determining the origin of these outbreaks, whereas the most careful and exhaustive investigation should be made to secure this information. Besides, this theory has frequently been carried to a hysterical degree even in public health work. In the past vessels have been sunk by official order simply to prevent what was believed to be danger from the transmission of disease through the medium of the cargo. Even within a few years iron rails were disinfected to prevent the transmission of yellow fever, and it has been seriously stated that a coat worn by a well person who had been in the vicinity where yellow fever existed was responsible for an outbreak of this disease. How vulnerable this theory is in the face of scientific investigation may be shown by the results which have from time to time been presented; for instance, it is now known that yellow fever is not only never transmitted by clothing, baggage, etc., but only by a variety of the mosquito known as the "Stegomyia." The credit of this important discovery belongs to a commission appointed by the President of the United States in 1900, and sent to Cuba for the purpose of investigating this subject.

Later researches have also proved that insects and vermin play a very important part as agents of infection in diseases formerly attributed to infected articles such as clothing, etc. Rags and money are also generally believed to be active factors in the transmission of infectious disease; scientific evidence does not confirm this. The writ-

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er's investigation of rags as a medium of infection which was carried out both in this country and in Egypt furnishes not the slightest evidence that they transmit disease. Egypt has supplied this country with an immense amount of rags which have been used for the manufacture of paper. They consist largely of the worn-out apparel of the natives and are collected throughout lower Egypt, from whence they are forwarded to Alexandria. Here they are picked over or sorted out principally by women and children whom I found daily in close and prolonged contact with this material; nevertheless, the carefully prepared statistics of the British sanitary officers who were in charge showed not the slightest evidence that infectious diseases were transmitted through this source. Personal observations in this country relative to this material were productive of exactly the same result. During the past ten or fifteen years I have also carefully investigated the subject of money as a means of infection with negative results. The most effective and impressive test in regard to this particular investigation was the evidence secured at the Treasury Department at Washington. Here an enormous amount of filthy and worn-out paper money is being constantly handled and rehandled by many employees prior to its destruction. Surely if paper money was a medium of infection it would be apparent under these extreme conditions. Still no evidence was secured that through this source infectious diseases were transmitted. Neither is there evidence that employees of banks who are constantly handling money contract disease in this way. Statements are not infrequently made that employees in paper manufactories or in banks become ill with infectious diseases. This is promptly accepted as evidence that rags or money constitute a common means of infection. This reasoning is neither logical nor scientific, because these persons are subject to the same outside exposure that others are, and therefore may in the same way contract infectious diseases. Proper evidence that these articles are media of infection would be the more or less constant demonstration that those whose business brings them in close contact with rags and money are more frequently infected than persons who follow other vocations; there is no such evidence. These results are in harmony with the views of other investigators.

Malaria, which was formerly supposed to be caused by poisonous emanations from swamps, particularly during the

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night-time, is now known to be, like yellow fever, transmitted only by a certain variety of the mosquito, and that the reason why swamp land is actually associated with malaria is that it is a favorite breeding-place for the malarial mosquito, known as the "Anopheles," which is particularly active at night.

If the former theories of the transmission of infectious diseases are wrong, the question naturally is asked, what are the actual means by which these diseases are transmitted from one person to another? Bacteriological research, investigation in other directions, and the experience of practical sanitarians have thrown new light upon the subject and have furnished scientific proof as to the real media of infection. We now know that persons and not things transmit disease—that is, by actual contact; also that disease is transmitted by the discharges in their active state of those who have infectious diseases, and also by insects and vermin. No one who is practically familiar with this subject doubts that in rare instances articles of clothing or other material may transmit infection. While this possibility should receive respectful consideration it must be understood that it is not the rare or uncommon media of infection that must engage our special attention, but rather the usual or common means by which infectious diseases are transmitted; otherwise, successful results cannot be obtained. Besides, modern sanitation cannot guarantee complete safety, and efforts which are made to secure this result are theoretical and defeat the end in view.

Another extremely serious factor in the transmission of diseases, and one which has been more thoroughly recognized in recent years, is the frequent presence of mild or irregular cases, quite capable of communicating infection, but so mild as to easily escape detection. Furthermore, we have very recently learned that persons known as "carriers" may transmit disease without presenting any evidence of it themselves. This has been clearly demonstrated particularly in cholera and typhoid fever, and there is no reason why it may not occur in connection with other diseases, and there is no doubt that further investigation will prove that carriers are commonly responsible for outbreaks of infectious disease the origin of which has been attributed to other causes.

As an illustration: Two years ago in an adjoining town the origin of a formidable outbreak of typhoid fever remained in doubt for some time, until it was found that an employee in

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one of the local dairies whose work consisted in washing the milk-cans was proved by bacteriological examination to be a pronounced typhoid carrier, and, although apparently in good health, he had undoubtedly infected the milk-can through the medium of his hands. He was removed from the dairy, placed under observation, and the outbreak of typhoid subsided.

With the facts we now possess regarding the true means by which infectious diseases are transmitted, every effort should be made to use this knowledge in the better protection of the public health. It not only enables a health official to deal more successfully with an outbreak of infectious disease, but secures more intelligent co-operation from the public in carrying out needed sanitary measures. The public are harassed with the feeling that they are constantly exposed to danger of infection through the clothing of those they may meet and in the handling of money, and many other ways. This has given rise to a general nervousness and fear which is entirely without justification or foundation. For instance, within the past few years an association has been formed having its headquarters in a western city for the specific purpose of urging Congress to supply new money or to at least disinfect the old on the ground that it transmits disease.

Probably no more farcical thing could be suggested than the disinfection of money. In the first place, no other agent but steam could be used for this purpose and even this would not penetrate large bulks of paper money; again, who would perform the disinfection, and where and when would it be done? There is no doubt as to the filthy and unsightly condition of our paper money and the advantage of frequently replacing old bills with new ones largely as an esthetic proposition, but it is needlessly disturbing to suggest the importance of this on the ground that money constitutes an ordinary means of infection, for it does not. It was but recently stated in the daily press that a prominent citizen always carries with him a celluloid loop which he uses instead of the ordinary car straps to prevent infection. He was probably not aware that the bacteria or germs found on car straps, railways, money, clothing, hands, etc., are, as a rule, harmless, some of which may even be necessary to life, and that the possible presence of the specific germs of infectious diseases in a condition to transmit infection need cause no alarm.

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The public should know that if they happen in a conveyance, assemblage, or elsewhere, and are in close proximity to some infectious disease, they need have no fear that they will transmit it to their family or others through the medium of their clothing. Nor need they fear that they will contract disease from the clothing of others they may meet or through the medium of the money they may handle.

The dread of this has been responsible for many unnecessary and unjust regulations. Well persons in a family where infectious disease exists are either kept in the house under municipal regulation or voluntarily remain at home for fear they may transmit disease to others. This frequently seriously affects those whose income is necessary for the support of the family. Except in some special instance, and under direction of health officials, it is far better that these persons should be out of the house. What modern sanitation requires is that the patient shall be carefully isolated or quarantined, that there shall be no communication whatever with other members of the family except those who are in actual charge of the patient, and that the well members shall be examined carefully each day to ascertain if they have contracted the disease. It is only when this occurs that they are a menace to outsiders and not through the medium of their clothing.

One of the principles of modern sanitation is to prevent disease with as little annoyance as possible to the public, and it is for this reason that where large numbers of persons are together, as in factories, etc., there should be a constant supervision over them to detect the early appearance of an outbreak of infectious disease; in this way fewer persons are involved, the loss of life is diminished, and the well-being of these people protected.

The rejection of the Fomites theory not only does not weaken the defense against infectious disease, but greatly strengthens it, for it turns our attention to the real means by which infection occurs. It calls for an immediate and exhaustive inspection in vicinities where infectious disease appears in order to promptly ascertain its origin from earlier cases instead of assuming that in some way it may have been caused by infected clothing. The most careful attention is demanded in connection with the destruction of the discharges of those who are infected, also cleanliness, fresh air, etc.; it insures far more effective co-operation on the part of

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the public if they are educated as to the true means of infection. In many other ways it furthers the ends of modern sanitation, and aids in the *prevention* of disease.

Heretofore the public have been apathetic and have taken but little interest in public health work, but it is largely because the people have not been properly informed regarding public sanitation in general and particularly the means by which infectious diseases are transmitted. It is the hope of sanitarians that many of the infectious diseases may be absolutely obliterated. With the co-operation of the public this may be accomplished; without it, it is impossible. Therefore, in the future, the public must be depended upon to do its share in bringing about these important results. Each home should constitute a sanitary unit. Great corporations which have in their charge large bodies of people should have some form of organization within themselves for the improvement of sanitary methods to insure cleanliness, fresh air, pure water, proper sanitary arrangements, etc. Means should also be employed to insure the early detection of infection among their number by careful observation and isolation of those who have been exposed. As has been already stated, nothing is more important in preventing the extension of disease. Co-operation of this kind is not only remarkably simple, but is a saving of life and health, and indirectly a matter of economy as well. Employees thus taught carry the knowledge to their homes and instinctively bring about better conditions.

Swamp lands and receptacles containing water where mosquitoes breed should be drained, filled in, or promptly covered in order that the propagation of this insect may be prevented and its extermination accomplished. It has already been shown that the mosquito has been responsible for the propagation of malaria and yellow fever, two diseases which at various times have almost decimated the population of various parts of the world; evidence is still accumulating that insects are the media of infection in other diseases.

In conclusion it may be said that co-operation on the part of the public in carrying out the dictates of modern sanitation by organized methods is not only sure to extend life and to improve health, but sooner or later will lead to the extermination of at least some of the present actively destructive diseases.

ALVAH H. DOTY.

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THE SPIRIT OF THE AMERICAN PATENT SYSTEM

BY GILBERT HOLLAND MONTAGUE

On March 11, 1912, the United States Supreme Court decided the so-called Mimeograph Case (A. B. Dick Company *vs.* Sidney Henry, *et al.*). The court decided simply that the defendant Henry was guilty of infringing the Dick mimeograph patent, in that he had deliberately and intentionally supplied spurious ink to a mimeograph user, expecting and intending that it be used in violation of a license restriction to which the user, as Henry well knew, had expressly agreed when she acquired the mimeograph—which license restriction required that the mimeograph be used only with Dick's ink. The court below expressly found that Henry, with malice aforethought, had instigated the user thus to violate the agreement which she had agreed to when she acquired the machine. Indeed, Henry had even shown the user how she could pour the spurious ink into the Dick bottle and by throwing away Henry's bottle destroy all the evidence of her wrongful act. All that the Supreme Court said was that this infringed Dick's patent rights.

The opinion, that stands as the decision of the Supreme Court in this case, was written by Justice Lurton, with whom concurred Justice Holmes, Justice Van Devanter, whose experience in patent law while Circuit Judge was very thorough, and Justice McKenna, who four years ago wrote the opinion of the Supreme Court in the most important patent case of recent years—the Paper Bag Case—with which opinion Chief-Justice White, then an Associate Justice, entirely concurred. President Taft, when a Circuit Judge, sat with Judge Lurton and repeatedly concurred with Judge Lurton's opinions in patent matters. Justice Day did not hear the argument, and took no part in the decision.

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Justice Pitney became a member of the court after the case was argued, and therefore had no part in the decision. For this reason, and also because of the important bearing of the decision on prosecutions under the Sherman Anti-Trust Act, then pending in the Federal courts, the Attorney-General asked leave to be made a party and requested a rehearing. By the determination of the full bench, on April 8, 1912, this application was denied. This action of the Supreme Court, it is not unfair to surmise, indicates that a rehearing before the full bench, as now constituted, would not have changed the decision.

The Supreme Court's opinion in the Mimeograph Case simply stated the law as established by an unbroken line of previous decisions in the United States and Great Britain, and in every English-speaking jurisdiction. With these decisions, Chief-Justice White and Judge Taft, as their entire judicial records show, had heretofore been in absolute agreement. Chief-Justice White, however, disagreed with this decision. In a dissenting opinion, that went reverberating through Congress and set the note for most of the public discussion of the subject, he declared that this decision tended "to extend the patent, so as to cause it to embrace things which it does not include" and permitted the patent-owner "to extend his patent rights, so as to bring within the claim of his patent interests which are not embraced therein, thus virtually legislating by causing the patent laws to cover subjects to which, without the exercise of the rights of contract, they could not reach."

Now, the all-important circumstance, which the majority of the Supreme Court held clearly in view, but which Chief-Justice White completely overlooked, is that no license restriction, such as the Mimeograph Case involved, is enforceable, or ever has been enforceable, or ever can be enforceable, under the law, unless the restriction be *brought home to the person acquiring the title at the time the article is acquired.* To make a license restriction enforceable, the patent-owner must give the purchaser notice that he buys the machine with only a qualified right of use. The notion, engendered by Chief-Justice White's dissenting opinion, that Henry would have been held as an infringer if any mimeograph-user had bought his ink at a corner drug-store has absolutely no foundation in fact. Only such dealers as sell supplies to users whom they *know* have

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bound themselves by license restrictions forbidding the use of such supplies, and whom they *expect* and *intend* and *know* will use their supplies to violate this license restriction, and whom they deliberately instigate in this nefarious enterprise, have anything to fear from the Mimeograph Case.

Since Chief-Justice White overlooked this point, it is hardly strange that the public should have ignored it.

For several years, disgruntled competitors have frequently charged, without any specific proof, that certain big corporations are making it a practice to "pigeon-hole" or "lock up" or otherwise keep in disuse patents that they controlled. From time to time, zealous enemies of the "trusts" have proclaimed their intention to "invade the Patent Office." To these, Chief-Justice White's dissenting opinion in the Mimeograph Case came as an alarum. Before the decision was six weeks old, Congress swarmed with bills designed to make over the entire American patent system.

Several bills were introduced which provided that anybody obtaining a license to use the article embodying a patented invention should have an absolutely "unrestricted right," regardless of any qualifying agreement which he had made with the patent-owner as a condition of obtaining the article, to use, sell, or lease the article, without any liability whatsoever for an infringement of the patent.

In one form or another, all these bills prohibited the enforcement of any kind of license restriction in a suit for patent infringement. The dissenting opinion in the Mimeograph Case was the intellectual parent of most of these bills.

Several bills were introduced which provided that unless the patent be worked within three or four years after it was issued, or unless the owner should show "sufficient causes for such inaction," the patent-owner should grant to any applicant the license to use the patented invention; and in the event of the refusal of the patent-owner so to do the District Court should hear the applicant, and if satisfied that the "reasonable requirements of the public in reference to the invention have not been satisfied," the court should compel the patent-owner to grant a license to the applicant, upon such terms and for such royalty as the court "deems just." Several bills provided also, that,

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at any time during the life of a patent, whenever "a material and substantial improvement shall be patented, the manufacturer of which would be an infringer on the original patent," the owner of an improvement might, upon application to the court, compel in like fashion the owner of the original patent to grant a license to enable such improvement to be manufactured.

In one form or another, all these bills provided for what are called "compulsory licenses." The dissenting opinion in the Mimeograph Case was, in a measure, the sponsor, and stood somewhat in the relation of godparent, for the theory of these bills.

During April and May of this year, public hearings were held by the House Committee on Patents upon an omnibus measure, introduced by its chairman and called the Oldfield Bill, that embodied most of these proposals. Only the opposition of the manufacturers and inventors, who appeared in large numbers and impressive unanimity against the bill, prevented action upon it this spring. Upon the eve of adjournment, in August, however, the Committee reported a substitute bill which, in language somewhat different from the original bill, provided for compulsory licenses and the non-enforceability of license restrictions, extended the application of compulsory licenses to an earlier date in the life of the patent than had the original bill, and excepted "original inventors," under certain conditions, from compulsory licenses. The substitute bill contained, in essentially the same form, the provisions which had caused opposition to the original bill. In addition, the substitute bill contained a number of provisions extending the application of the Sherman Anti-Trust Act, wherever patents are involved, to specific transactions which are not now covered by the Sherman Anti-Trust Act, and which, if no patents were involved, would, under the existing law, or even under the substitute bill (if passed), lie outside the prohibition of the Sherman Anti-Trust Act.

This substitute bill, which the House Committee on Patents has announced it will press for passage when Congress reassembles in the winter, provides for compulsory licenses by declaring that if any applicant shall establish, in a Federal District Court, that a patent-owner, who has purchased a patented invention from the original inventor, is withholding it "with the result of preventing any other person

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from using the patented process" more than three years after the patent is issued, the court shall order the patent-owner to grant to the applicant a license to use the invention upon such terms or royalty as the court "deems just." The non-enforceability of license restrictions is accomplished by a provision that the patent-owner shall no longer be permitted to bring an action for infringement of the patent, when the purchaser, lessee, or licensee of the patented article has committed a breach of the contract of sale, lease, or license, by the conditions of which he obtained the patented article. An arbitrary extension of the Sherman Anti-Trust Act to cases involving patents is effected by providing that a violation of the Sherman Anti-Trust Act shall be conclusively presumed from each of the following transactions, *ipso facto*, regardless of any surrounding circumstances: Whenever the vendor of any patented article restricts the price at which such article shall be resold; or makes any discrimination in the price based on whether a customer buys goods of a particular quantity or aggregate price; or whether a customer buys an article from somebody else; or whenever the vendor of a patented article makes any condition of sale or agreement with a customer against the purchase of some other article; or refuses to supply somebody; or consents to supply somebody only on terms or conditions less favorable than he accords to anybody else; or arranges to give a customer the exclusive right of sale in certain territory; or supplies a patented article at a price below the cost of production. The substitute bill further provides that in all anti-trust prosecutions, in which patents are involved, the Draconian remedies shall be applied which Senator La Follette, last winter, sought to enact as amendments to the Sherman Anti-Trust Act, for application in anti-trust prosecutions of every sort.

This substitute bill, therefore, proposed ostensibly as an amendment to the patent laws, attempts to extend the Sherman Anti-Trust Act in a manner not suggested by the original bill, nor discussed by any one upon the hearings held this spring by the Committee having the original bill in charge, nor foreshadowed by any legislation previously proposed in either branch of Congress. More radical than Senator La Follette's proposals to amend the Sherman Anti-Trust Act, which avowedly apply to all articles of commerce, unpatented as well as patented, this substitute

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bill, by excluding from its scope all transactions involving unpatented articles and limiting its application exclusively to patented articles, discriminates drastically against patented articles, and grossly in favor of unpatented articles.

What vandalism this substitute bill would work, in violation of the spirit and policy of the American patent system, can scarcely be exaggerated.

The American patent system, in its spirit and policy, was one of the most original conceptions of the Federal Constitutional Convention.

The only patent system in existence, in 1787, was that of Great Britain, which was designed primarily not to vest in inventors property rights in the results of their inventive thought, but rather to reward, by grants of special privileges, persons who had brought into Great Britain either a new industry or an improvement in an industry already established.

Throughout the Federal Convention, however, and in the legislation of the first Congress, a different theory prevailed. With the same discernment that marked the rest of its work, the Convention realized that, if inventive thought, simply as such, were recognized and guaranteed its just compensation, new industries and improvements would follow as matter of course. The original proposition before the Covention was "to establish public institutions, rewards, and immunities for the promotion of agriculture, commerce, and manufactures." But the Convention saw that this object could most directly be accomplished by insuring that the results of inventive thought, whatever they might be, should belong to the inventor just as surely as the results of other forms of labor belonged to the worker who produced them. Therefore, instead of bestowing upon the inventor, as matter of favor, a special privilege or bounty, the Convention determined to dignify his toil by making its results the inventor's own property. Brain property was thus raised to the dignity of tangible property. The inventor could use or suppress or dispose of the results of his inventive thought as freely and as absolutely as the worker of tangible things could use, or suppress, or dispose of the results of his creative labor.

With this exception, however—and this is the only trace of "communism" in the Constitution—that while the worker in tangible things can use, or suppress, or dispose

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of the products of his creative labor so long as they exist, without limit as to time or condition, the inventor is permitted to use, or suppress, or dispose of the results of his inventive thought only for a "limited time," and then only upon performing certain conditions which involve publishing them to the world; so that, at the expiration of that time, the results of his inventive thought shall become absolutely public property which any one may use, without price or restriction.

This the Convention accomplished in Article I., Section 8, Clause 8, of the Constitution, by simply authorizing Congress "to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries." The first American Congress, acting under the recommendations of President George Washington and Alexander Hamilton's "Report on Manufactures," did the rest by enacting the first patent law, which has since been amended so that to-day this "limited time" is fixed at seventeen years. During this "limited time," to quote Section 4884 of the Revised Statutes, the patent-owner has "the exclusive right to make, use, and vend the invention or discovery."

This "exclusive right" is, in effect, three "exclusive rights": the "exclusive right" to make, the "exclusive right" to use, and the "exclusive right" to sell the patented article. Since the patent-owner's "exclusive right" is thus composed of the "exclusive right" to make, the "exclusive right" to use, and the "exclusive right" to sell the patented invention, the patent-owner may, according as he sees fit, dispose of one or more, or any part of all these component "exclusive rights." Thus, when he elects to manufacture the patented article himself, he reserves to himself the "exclusive right" to use and to sell the patented article. Again, if he elects not to sell the patented article, but simply to lease it on a royalty basis, he reserves to himself the "exclusive rights" to make and to sell, and disposes simply of the right of use. Similarly, if he elects to dispose of only part of the "exclusive right" to use the patented article, he may reserve to himself the "exclusive right" to make and sell the patented article, and also part of the "exclusive right" of use, and may dispose of simply a portion of his "exclusive right" of use, by granting

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merely a limited right of use: simply, for instance, the right to use the patented article only under such conditions and only with such supplies as the patent-owner shall prescribe.

Like the owner of any other property, the patent-owner "cannot be compelled to part with his own, except on inducements to his liking." Like the owner of unimproved real estate, the patent-owner may decline to use his property or to allow others to use it. Like a real-estate owner who prefers to continue as owner, the patent-owner may reserve to himself the right of ownership and sale, and by lease or otherwise simply dispose of part of the right to use the property. Like every real-estate owner that is a landlord, the patent-owner may require that his property be used only under certain specified conditions and for certain specified purposes and with certain specified accessories.

These rights of the patent-owner are neither greater nor more unusual than the familiar rights of real-estate owners or other property-owners. Indeed, the patent-owner's rights are vastly curtailed, as contrasted with the rights of other property-owners, in that the owners of every other form of property may exercise the rights above described for so long a period as they and their successors may desire; while the patent-owner may exercise none of his rights beyond the duration of his patent, and at the expiration of the statutory period of seventeen years must relinquish to the public all of his rights.

"The patent system," said Abraham Lincoln, "added the fuel of interest to the fire of genius, in the discovery and production of new and useful things." By vesting brain property, for the short period of seventeen years, with the common attributes that tangible property perpetually has, the American patent system furnished the "fuel of interest" needed to feed "the fire of genius, in the discovery and production of new and useful things." In the emphatic language used, in 1878, by the Senate Committee on Patents: "The protection which the patent gives a patent-owner in the results attained induces him, and is all that will induce him, to expend the time and the money—often several hundred thousand dollars upon a single machine—in perfecting the invention, and embodying it in a practically useful machine, and introducing it to public use."

How inconsistent with the spirit of the American patent

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law are the proposals contained in the bills above described must now clearly appear.

Patent-owners have an interest in the standing, reputation, and commercial desirability of their patented articles, and may insist upon such conditions, in respect to their use by their customers, as shall insure to their customers, no less than to the patent-owners and to all prospective customers, the standing, reputation, and commercial desirability of the patented article. Instances of ingenious and delicate machines, each nicely adapted to perform one stage of a manufacturing process, and together, as an industrial series, nicely, accurately, and precisely adjusted to take the raw materials through the successive stages in the process of manufacture until the finished product is eventually turned out, may be found in many highly developed manufacturing industries. As to any patented article of the class of particular types of machines just described, it is obviously proper that the patent-owner, in order to insure satisfactory results to the user, and to preserve for himself such commercial value as accrues from the assured satisfactory operation of his machine, may require that the machine be used only with such specially adapted machines and in such particular manner as will insure satisfactory results to the user. The notion that the patent-owner owes any duty to the community to allow every user of the patented article to experiment with any supplies that the user can find, or to use, in any manner that the user can think of, a patented machine that has been delicately contrived for just one particular use, has no support whatsoever in law or reason. To suggest that the user of the patented article has some kind of natural right to experiment, as much as he likes, with unauthorized supplies, is as ridiculous as to suggest that a tenant has a God-given right to use his landlord's premises in any manner that violates the condition of the lease.

Equally revolutionary is the proposal involved in the agitation for compulsory licenses. How impossible of fair and just solution is the problem which such a law would set for the courts was conclusively proved by the manufacturers and inventors who testified recently before the House Committee on Patents.

One illustration only, out of those cited, can here be quoted:

"The cable-ways produced by our company," said the

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chief-engineer of a world-famous company engaged in developing hoisting machinery, "were all patented. No sooner had the first cable-way been sold than the commercial pirate saw the machine and wanted to copy it. He could have copied ninety per cent. of that machine without infringing on a patent. The difference between success and failure was a device known as a fall rope carrier or rope support. When he failed to produce a fall rope carrier or rope support, which was an essential feature for success, he failed to make a successful cable-way to compete with our cable-way. Now, we have five or six other patents on fall rope carriers, none of which is as good as the one we used, but any one of which would do the work. Under the compulsory-license law we would lose all the advantage of ninety-nine per cent. of the machines that had been produced at tremendous expense, if the commercial pirate could obtain a compulsory license for the fall rope carriers. The clause proposed leaves it to a district judge to fix the royalty. What would a district judge say when a man comes before him and says, 'I want to build that carrier'? The judge says, 'How much does the carrier cost?' He replies, 'Fifty dollars.' 'Well,' the judge says, 'you pay a royalty of ten per cent.; that is, five dollars.' Now, we lose the sale of cable-ways, at $12,000 each, and our compulsory licensee gets all the advantage for perhaps fifty dollars royalty."

Even more unfair would be the working of such a law in the case of a really "pioneer" invention—one so far ahead of the existing art that most of the seventeen years' period of the patent must elapse before the industry reaches a development that makes the invention usable.

"A client of ours," explained a patent lawyer to the Committee, "devised a certain entirely new form of furnace. We are informed that only one patent has been granted upon this form of furnace, and that was to our client. The patent was issued some six years ago. At the time it was issued it was in advance of the art. It was based upon a very little known chemical principle, which had never been applied to furnaces, and the inventor was regarded as impractical. The invention was such that in order to give it a thorough trial it would have been necessary to expend at least $25,000, and probably more. The inventor was practically penniless, and often found it difficult to provide for even the simplest needs of his family. Under

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the circumstances he himself could not possibly work the invention, nor could he interest any company of sufficient size to even experiment with it. People did not understand it; they regarded it as impractical and purely theoretical. Last year a certain European scientist of reputation conducted a series of experiments on the combustion of gases. In the course of these experiments he evolved very much the same ideas as did our client, and he published the results of these experiments together with his theories on the subject. He was a man of such standing that his word carried weight, and, as a consequence, what was before regarded as entirely impractical is to-day regarded as at least feasible from an operative standpoint; so that now, six years after the grant of his patent, the inventor is just in a position to get his invention adopted and placed upon the market.

"If this law is to go into effect, an inventor under such circumstances would lose the right to a monopoly of his invention—the right to make adequate terms upon which it could be used or manufactured—through no fault of his own, but simply because the average knowledge of the world lagged behind his inspiration. He could no longer obtain the price for his invention which he might if there was no compulsory license law; because the first company to whom he would present the invention would insist that the value of the patent was very much reduced, by reason of the fact that other companies could come into the market by securing a license under the patent. It might be that no other companies would desire to secure a license, or that few companies would; but, nevertheless, this excuse would be used by the first company. The inventor would get a comparatively inadequate return, and he might never be adequately compensated."

Inventions such as that just described are more than mere "improvements." They are the landmarks of industrial and social progress. To change the law so that its harshest provisions shall be directed straight at the most meritorious work of the inventive mind is plain vandalism.

The pretext on which the proposal for compulsory licenses rests is that some corporations buy valuable inventions to suppress. "But," as Mr. Thomas A. Edison told the Committee, "no one cites specific cases."

"I myself," adds Mr. Edison, "do not know of a single

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case. There may be cases where a firm or corporation has bought up an invention, introduced it, and afterward bought up an improvement and ceased using the first patent —suppressed it, in fact. Why should that not be done? It is for the benefit of the public that it should get the latest improvement. I cannot see why the public should be asked to change the patent law to enable a competitor to get hold of the disused patent, so he could have a basis on which to enter into competition with the pioneer of the invention who has introduced an improved machine. Before any changes in the law are made, let the objectors cite instances where injustice has been worked on the public by the alleged suppression of patents for other reasons than those which were due to improvements."

The increasing difficulties of existence, presented in our rapidly expanding population and the rising cost of all necessities of life, are everywhere taxing the efficiency of our institutions. Greater productivity of the soil and of the arts, greater economy in distribution, greater control of disease, and added length and comfort of life will all depend upon the continued bright burning of what Lincoln happily called "the fire of genius in the discovery and production of new and useful things." "The fuel of interest" which this fire of genius requires can no more effectually be destroyed than by enacting into law provisions forbidding license restrictions and providing for compulsory licenses.

In 1878, in the midst of the granger agitation and the greenback hysteria, a similar attack was made upon the patent system, which the Senate Committee on Patents, in a ringing report, effectually refuted and demolished. "No change," it declared, "should be made in the patent law to weaken the inducement which, in the ordinary and normal operations of the common transactions of business, it offers to those who will successfully invent, and to those who, by perseverance and expenditure, will perfect inventions and the machine in which they are embodied, and push their introduction so as to put the public in possession of perfectly working machines and a perfectly finished product."

Since our need for those who will successfully invent is to-day far greater than in 1878, it is devoutly to be wished that the courage and good sense which then prevailed may not be lacking at the present day.

GILBERT HOLLAND MONTAGUE.

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THE FALLACIES OF PROTECTION

BY HENRY HERZBERG

At last the long-suffering "ultimate consumer" is in rebellion. The mounting cost of living has at least one virtue in concentrating public attention upon the workings of our tariff laws. Though the causes which contribute to the inordinate high prices of commodities are not understood thoroughly even by economists, yet there is a popular belief that our indefensible tariff is responsible for the progressive increase of living expenses by stifling foreign competition and enabling our producers to advance prices artificially without regard to the demands of the market.

At any rate, the masses are seeking light upon this absorbing question and are inclined to inquire as to the policies for which the political parties of to-day stand. In one case a tariff is urged which is to be levied for purposes of revenue only—a tariff which shall furnish ample revenue for all the needs of the Government, but shall provide no incidental "protection" to the producer or distributor.

In the other instance taxes are imposed so high as to prohibit importations regardless of whether such prohibitions actually check the flow of revenue or whether our industries are controlled by oppressive combinations. The domestic manufacturer and distributor, whether efficient or inefficient, whether or not he is conducting business antagonistic to sound public policy, must be protected from foreign competition. Let us inquire briefly as to the practical effects of these two opposing policies.

A tariff for revenue only tends toward an economically administered Government because it approaches equality of treatment respecting classes and trade and hence discriminates neither for nor against any section or class. It is a foe to favoritism and special privilege, and therefore does

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not open the door for political bargaining. On the other hand, protective duties ultimately produce a riot in governmental extravagance by reason of the power to "protect" industrial interests which leaves room for political debauchery. It is this character of tariff legislation which has degraded the law-making function of the Government. Instead of using the arm of the Government to protect the commonwealths against adverse legislation, Senators and Representatives urge discriminating laws in favor of particular industrial interests. The imposition of tariff charges, which should be designed solely to produce revenue for the necessary expenditures of the Government, has set into motion almost countless demands for the granting of bounties to special groups and the enactment of discriminating laws for certain classes. Thus by a system of favors and privileges the Government in effect guarantees profits to private interests and may be said to be in partnership with the same without, however, the power of regulation or control.

A tariff for revenue is inclined to impose no duty on any article above the lowest rate which will yield the largest amount of revenue and would subject luxuries to the maximum revenue duty. Protective duties subordinate the question of revenue to the matter of safeguarding the gains of producers; and hold common every-day necessities to be no more exempt from the blight of high taxation than luxuries in which only the privileged few can indulge. A tariff for revenue would reduce the tariff to a basis where the domestic manufacturer must meet competition. Protective duties guard the home producer from foreign competition and of necessity are committed to the guarantee of profits. The one upholds the American doctrine of self-help, encourages individual initiative, and entices enterprise to engage in healthy competition for the rewards of domestic and foreign commerce. The other supports the principle of paternalism which extends Government aid for private purposes—a policy which, as will be seen presently, suppresses competition and leads either to industrial inefficiency or to the crushing of the small producer.

From whatever angle that we view the question of taxation there can be but one conclusion: that a high tariff levied for purposes over and beyond the needs of an economically administered public service is unmoral. It is, in

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fact, nothing other than a tribute or a gratuity in which inheres oceans of possibilities for extortion, monopoly, industrial persecution, and abridgment of individual liberty.

Through this Government bounty the consumers are forced to pay a tribute to a legally protected class. In other words, the holy arm of the law is invoked to suspend, or at least arrest, the operation of competition among domestic producers and through this statutory interruption, so to say, of competition the consumers of the land are compelled to pay taxes which are levied purely for private purposes.

Legislation which discriminates against or in favor of any economic or social group is vicious, not only because it clothes those of one station with a sort of quasi-legal power to tyrannize over those of other ranks, but also because taxes laid for private purposes are clearly a prostitution of governmental functions.

A republican form of Government is designed, as Madison expressed it, to dispense "equal and exact justice." A "protective" tariff, so called, is simply a fiscal tribute exacted by special interests and is a signal instance of perverted governmental authority. It needs no argument to show that there is no warrant in the taxing clauses of the Constitution of the United States to aid private enterprise at the expense of the whole people. When a statute has the effect of prohibiting imports such a law protects private industries by indirection and is in contravention of the Constitution. The legal principle is unassailable that a tax which is laid for a private purpose is null and void.

But, lamentably, the court would not be warranted in construing a law as intending to effect the prohibition of imports when an act upon its face purports to raise revenue.

But even if protective duties be technically within the bounds of constitutional law, yet the taxing power is defiled when the Government by "a decree under legislative forms" (an expression used by the Supreme Court in a noted decision) protects individual or corporate producers in despoiling the common people or the whole body of consumers of the land of their private property. By whatever devices the tariff be disguised, whether by minimum or maximum provisions, "compensatory" features or other schemes, it still remains a fact that in the end it is a tax upon consumption which cannot be shifted by the consumer. No amount of sophistry can distort the fundamental truth

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that a people cannot be taxed into prosperity. The higher the tariff, the greater necessarily is the burden sustained by the masses, and it follows that the general well-being perforce is influenced adversely by the imposition of high taxation because a lessened purchasing power must needs lower the standard of living.

That a high tariff is a privilege granted by law to special interests and that the practical result of this law-created privilege is to raise the price of the daily necessaries of life can be shown clearly enough.

Limited space will permit only a few illustrations to prove that protective duties are plainly a tax on living. Follow the course of the tax on foreign wool from the importer to the retail buyer of clothing. In this case each successive process of manufacture demands a profit by reason of this tax privilege. The importer claims 10 per cent., the spinner 15 per cent., the weaver 25 per cent., the retail clothier 50 per cent., and in the end the increase in the cost of the suit, starting with the tariff tax of $1.93, reaches the total of $5.66. Not only are tariff taxes laid on the raw materials, but corresponding "compensatory" taxes are placed on the finished products of manufacture. The result is that the class which can only pay a low price for clothes do not get wool; they get shoddy and cotton, which do not yield nearly the same warmth nor do they last one-fifth as long.* Wearers of wool and wearers of cotton with every purchase make a gift to a consolidated industry or, in other words, are taxed for an inferior article in order to protect these combinations from competition.

The Tariff Board in its official report stated that on samples of sixteen pieces of cloth, taxed 184 per cent. in the tariff, the prices in the markets of the United States were 67 per cent. higher than the prices for the same articles in Europe.†

Despite the tribute which the consumers must pay to the mill-owners and distributors of wool and woolen fabrics, the salaries paid the workers are extremely meager.‡ More-

* This estimate is based on a contribution by Hon. William C. Redfield, New York *Times*, October 11, 1910.

† See Synopsis of Report of Tariff Board on Schedule K on Wool and Woolens, page 9.

‡ See Report of United States Commissioner of Labor, Charles P. Neill, Senate Document No. 870, Sixty-second Congress, Second Session.

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over, the industry has made little progress and, in fact, to-day is languishing though the duties have remained practically unchanged for forty years.

A review of the cotton industry* would disclose like enormities which are fostered by our prohibitive tariff. Unquestionably the total labor cost in cotton fabrics is only a fraction of the excessive tariff. In a number of cases the duties levied are three times the total labor cost.

In like manner scarcely a household article escapes the grasping touch of the Protectionist. Chinaware, earthenware, glassware, mattings, as well as carpets, cutlery, chairs, tables, desks, ornaments, wall-paper, sewing-machines, medicine, and what not, all are subject to the steep rates of custom duties. Take the case of sugar. The United States Treasury derives about $50,000,000 out of the tax on sugar, but on the sugar produced in the United States the Government does not obtain a single cent, while at the same time about $60,000,000 is bestowed upon producers as a gratuity. By virtue of the tariff on sugar, the American people are forced to pay $110,000,000 annually upon this table necessity, or at the rate of $7.25 for each family.

Again, let us consider the relation of the farmer as a producer to the high cost of living and also note his own economic status by reason of protective duties.

We may allow safely that some of the factors which contribute to the rise of commodities' prices are an augmented gold supply, excessive governmental expenditures which dissipate vast capital and lessen the nation's productive power, the wasting of natural resources which may have lowered the prices of living necessities of a previous generation at the expense of this generation, the lack of intensive farming, and the shortage of domestic farm produce and live-stock.

It would be unfair, then, to attribute the rise in the prices of food products wholly to our high tariff. We should hold the farmer largely responsible because of his inefficient and antiquated agricultural methods and also should adjudge our merchants blameworthy for the wastefulness of our distributive processes. Likewise, the phenominal growth of cities and the consequent demand for urban labor is accountable, in part, for the increase in prices of farm products.

* See articles in New York *World,* by Robert Kenneth MacLea, September 5, 1912, and August 12, 1912. Mr. MacLea was the former expert of the Tariff Board.

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But aside from these forceful influences, we must look to our tariff laws to furnish a key which will unlock some of the secrets of the high cost of living.

Protective duties penalize both the farmer and the consumer for the use of daily commodities. There is this difference, however, as we shall see, in that the farmer can recover part of the fines, at least, while the consumer is helpless. For example, the agriculturist is dependent largely upon manufactured iron and steel products and lumber for his working utensils and tools. The importer advances, say, twenty per cent. in the increased price due to the tariff, the jobber adds an increase of twenty-five per cent. on the importer's price, and the retailer advances his figures thirty-three and one-half per cent. over those of the jobber. These prices would have to be paid by the consumer if he used imported goods. As it is, foreign competition is legally stifled by the medium of the tariff, while domestic competition is illegally throttled by the means of combinations. So it happens that when the farmer buys domestic iron and steel products he is forced to pay an artificially increased price at retail about equal to twice the amount of the tariff tax.

But there is compensation for the farmer, as he receives large returns for his limited crop yields. In measure, at least, he can transfer the tariff tax to the purchaser of his grains, and the distributor in turn unloads it upon the consumer. Alas, the ultimate consumer must sustain the tax which is originally borne by the producer, as well as the tax on all competition in so far as all classes are able to shift taxes to the final users of commodities.

This being the case, is not the taxation of imported food products the quintessence of folly?

With our tremendous increase of population, our lack of intensive agricultural methods, and the tendency to urban concentration with the large mass of the people employed as distributors rather than producers, and when our food consumption threatens actual production, is it not stark madness to increase the cost of daily food by maintaining artificial barriers against imported supplies?

We must recognize the fact that high tariff arbitrarily retards the free operation of enterprise if it does not directly throttle competition and dislocate the world's supply and demand, and prevents the interaction of international eco-

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nomic forces. If this were not true the price level of commodities as indicated by the scientific index price of authorities* would not be decidedly higher in the United States than in European countries. The scarcity of American food products, however real, is an artificial shortage because protective duties debar us from enlarging our market by shutting out wholly or in part the world's supplies. The diminution of the supply not only raises the price of the foreign commodity to the extent of the tariff tax of duty, but advances the price of the American products to the same price level and permits combinations to control the market by an artificial scarcity.

But even in the case of manufactured goods where there is not a shortage, but an actual surplus due to greater productiveness and abundance, the tariff aids corporate enterprise to manipulate the output in the same manner as if there were a real deficit in production.

Of the $15,000,000,000 worth of domestic manufactured products consumed in the United States the Government annually receives revenues amounting to about $3,000,000, while it is estimated that the producers receive a bounty of millions or even billions of dollars in the form of a margin of protection. Whether this sum is actually so vast only an expert can determine, but that it is prodigious there can be no question. Suffice it to say that by the most liberal computation the consumers virtually are dispossessed of vast treasure through legislative decrees. The tariff then invalidates such factors as improved transportation facilities, heightened processes of production and distribution and inventions which, under the play of competition and without Government interference, would tend toward abundance and falling prices. Instead of our industries affording large profits and wages through an enlarged productive power, our producers and distributors through the medium of protective duties exact "unreasonable" profits by curtailing production and maintaining scarcity of products at a high price.

"Protection" is, in fact, what the great Cavour denomi-

* See the Lodge Senate Majority Report No. 912 on "Wages and Prices of Commodities," page 23, Part I., Sixty-first Congress, Second Session. Reports of Consuls Griffiths and Ingram, Senate Document No. 477, pp. 15, 16, 19, Part I., and pp. 63-67, Part III., Sixty-first Congress, Second Session.

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nated it: " the most insidious form of privilege," and in the most practical way it is the friend and champion of special privilege by constricting the markets from which the masses must buy their daily necessaries for household and personal uses and levying a tribute upon every man, woman, and child in the land.

For decades the cry went forth that labor must be protected from foreign competition and that a high tariff is essential to equalize the difference between the cost of domestic and foreign productions.

Though it is common knowledge that the rates are greatly in excess of this difference and that in many cases the duties are prohibitive, nevertheless the theory is advanced that a tariff rule must be based upon the disparity in the cost of foreign and domestic manufactures so that " reasonable profits " may accrue to " American industries." We have shown previously that this cannot be claimed to be a constitutional rule for raising revenue. On the contrary, it is merely " protection " in a new garb or paternalism in an old form. It is levying taxes so as to stimulate profits to certain producing classes at the expense of the consuming public.

We should understand that a tariff board created to ascertain the difference between the cost of production at home and abroad and to condition the degree of gain which the Government could guarantee to the producer would be a snareful delusion for the persuasive reason that accurate cost prices, according to the opinion of experts, are not obtainable by the most painstaking investigation. The fallacy of conditioning a tariff upon the rule to which we have referred has been exposed by Professor Taussig. In a well-knit argument he holds that " if carried out to the full " this principle " would lead to the utmost extreme of protection " and if " applied with consistency it would lead to a complete annihilation of foreign trade." He indisputably says that the equalization of cost of production means that the production of everything is to be encouraged, and where the difference in cost is great the duty is to be high, and if the disparity is small the duty is to be low, so that automatically the duty advances in proportion as the American cost price is large. The consequence is that the more unsuited the conditions are for economical and efficient production the more pronounced will be the tendency

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toward protection. "Under this equalizing principle, the worse the natural conditions the more extreme will be the height of protection. . . . It is for this simple and obvious reason that the principle seems to me to be worthless for settling the tariff problem."

With penetrating touch Professor Taussig exposes the lack of foundation for the two prejudices that the domestic production of a given article is *per se* good and that high wages are the result of the tariff and cannot be maintained without the tariff. While admitting that economists are not "unanimous on the controversy between protection and free trade," yet he considers it a commonplace that "to make a thing at home is not to our advantage if we make it at high cost. To import it is not a source of loss when we import the thing more cheaply than we can make it at home." He says the economist holds that "when you try to equalize costs of production everywhere you induce the employer to turn to industries where labor is not efficient. The very fact that costs are high indicates that there is some cause of inefficiency. You divert labor and capital from the industries that are best worth while, diminish the general product, and so diminish the source from which all wages eventually come."* In the main, the question of liberal wages depends upon the productiveness of industry, and therefore it is true that the efficient man is in reality cheap though he commands high wages.

Governor Wilson has pithily described the true source of wages, and his definition may also be applied aptly to the cost of production. He says: "Wages come from the intelligence and energy of the working-men, made effective by the presence of natural resources and their management by efficient managers."†

When conditions are unfavorable for economic and efficient production, no amount of protective duties will make such production efficient. In such cases the only effect of a high tariff is to raise prices artificially and to maintain the inferiority of antiquated plants.

To ascertain the difference in cost of production between foreign and domestic commerce no standard can be created

* "The Tariff and the Tariff Commission," by Professor F. W. Taussig, *Atlantic Monthly*, December, 1910.

† Address by Governor Woodrow Wilson at the National Democratic Club, New York, January 3, 1912.

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other than an arbitrary standard which is of no value. Shall we ascertain the cost of the most efficient or the least efficient mill?

The most efficient plant naturally can produce the best wares at the lowest cost, while the least efficient will produce the poorest goods at the highest cost. Surely the mill or factory which is best equipped and most ably managed requires no protection whatsoever. If, then, we reckon the cost of production according to the cost figures of the inferior plant, we add so much unnecessary profit to the superior producer, prolong the existence of the unfit, and artificially stimulate commodity prices to the consuming public.

As a matter of fact, not only are there differences in the cost of production between foreign and domestic manufactures, but perhaps no two American producers have cost sheets in which the figures are identical. The cost price of any given article depends upon varying factors, such as proximity of raw material and transit facilities to the factory, efficiency of labor, and managerial ability. Hence to afford protection to the efficient producer who requires no protection or to grant " reasonable profits " to the inefficient producer who is deserving of no paternal care will benefit neither capital nor labor. In summing up the argument against the imposition of a high tariff the following facts are dominant: There is no constitutional warrant for the Congress to guarantee profits on private industrial enterprises in exercising its lawful authority to raise adequate revenue for governmental needs; it is the function of governments to equalize opportunities, but not to promote inequalities.

To extend paternal aid to efficient producers who require no protection, or, on the other hand, to grant " reasonable profits " to inefficient producers, serves to increase the margin of profits for the superior manufacturer, prolongs the existence of the unfit producer, and artificially stimulates commodity prices which the consuming public must pay. In truth, the more unsuited conditions are for economical and efficient production the more pronounced is the tendency toward the policy of protection.

If industries be highly organized production will be efficient and wages will be high without protective duties, but if inferior technical equipment prevail and inferior labor

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be employed high protective duties will not save an industry from deterioration. High wages are dependent upon productive efficiency, while low relative wages go hand in hand with poor equipment and a low standard of production.

Prosperity cannot be purchased by a governmental bounty; the well-being and substance of the individual can be created only by an enlarged productive power and a consequent improving wage scale.

To predicate a tariff upon differences in cost between foreign and domestic productions is as disingenuous as it is impossible of accomplishment. Absolute cost prices are not obtainable. Moreover, in the field of manufacture the selling price is not governed exclusively by the cost of an article. Under normal circumstances the selling price is controlled legitimately by competitive factors and supply and demand; but when normal economic conditions are interfered with by legislation which chokes foreign competition, then the forces of monopoly hold sway. In other words, protective duties artificially raise the selling price by arresting foreign competition and shutting out the world's supplies from American markets.

It is neither consistent nor just for the Government to regulate transportation companies and attempt to control the monopolistic tendencies of industrial combinations, while, at the same time, it is partial to concentrated capital by enacting tariff laws which permit producers to bar out effective foreign competition and raise the price level of commodities artificially.

It might be added that it is even more unjust for the Government to harbor artificial stimulation of prices by inequitable tariff laws than for monopolies in trade to crush their rivals and advance the cost of commodities, cruel as is this practice, since it is primarily the function of governments to equalize opportunities and not to promote inequalities.

HENRY HERZBERG.

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A COMPLETE MUNICIPAL UNIVERSITY

BY CHARLES H. LEVERMORE

NEARLY all great American universities now dwell in great cities. In the city the university finds the wealth that can maintain it. There it finds the manifold industries that need its training and can profit by its co-operation. There only are the hosts of students of every age and either sex for whom the university is constantly opening a thousand gateways into life. There also are the finest preparatory schools, and, as they are sustained at the public expense, there alone can the children of the poor command the best preliminary education.

These are the youth swarming in metropolitan schools and streets and shops, who must have freedom of outlook and power of uplift if cities are to grow better and the nation is to endure. These are the people who at once transact and shape business and determine our politics, and their safety and sanity will find a guarantee, if anywhere, in the industrial and commercial and liberal education of the university. The mass of voters in our large city democracies is now and will for a long time be crude material. Their action upon public, as well as private, questions will be profoundly affected by the character of their leadership. A city university wisely managed should be in close touch with all classes and all kinds of organizations and should become one of the firmest guarantees of industrial peace and progress.

Schools, public and private, do not now prepare the youth for the labors in which most of them must engage. In country districts the children have at every turn opportunities to learn practical services which no schools teach them. The city child is unfortunate because usually he can have scarcely any " chores " to do. He is fortunate because his numerous points of contact with a bustling life brighten

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his eyes and sharpen his wits, but there is too little in his home or school—excellent as it is—that relates his thought and action to the skilled labor behind the walls of shop and factory. Trade schools are few and far between; commercial high schools are beginning to appear, but none of these are yet articulated with the university schools of science and commerce.

The needs of the organized life of the city, however well defined, are usually less potent in determining the activities of the university and the direction of its policies than the conditions of collegiate origin and the traditional importance of certain professional schools. The time has come for the creation of a great university to fit the great city. I propose the establishment of a complete university equipped to meet every rational educational need of the mature life of the community and nation in which it stands. The outward forms of such a university will include much more than expansions and duplications of existing institutions, and its development need not be too inexorably governed by academic traditions. The need of the modern university is not to conserve or exalt the forms of any department or division of education, but to include them all and offer them to all. To the mature and earnest student its doors should be open without question of any other qualification than that of readiness to profit by instruction in the subjects desired. The conditions of matriculation for courses to degrees and for the winning of degrees should be strict and exacting, while admission for study in general should be as easy as the purchase of goods in a store.

The university should aim always to maintain the widest possible expansion of its public service, as well as the closest possible co-ordination and interrelation of its various departments. The university alone can unify all these educational activities under its own control. It is, therefore, the sole agency to which we may look for a solution of problems in economy of administration.

The equally important duty of directing the student in his choice of work has not yet been satisfactorily met by large colleges and universities. The failure has been due chiefly to the welter of elective studies and to the lack of a force of teachers with character, power, and numbers sufficient to cope with the needs of an ever-increasing multitude of students. The university must know how to include

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many colleges and yet preserve that close personal touch with the individual student which was and is the chief strength of the small and specialized college of the ancient sort.

At present when one thinks of the university he thinks only of the education in the humanities, in technical science, or in professional studies for law, teaching, medicine, theology. Vital as these are, they are obviously a discipline within the reach of a small minority, a fortunate few. It is essential to train for social leadership; but in the modern city it is possible for the modern university to educate the rank and file as well as the officers. The university is henceforth not to be contented with a sheltered refuge upon the heights to which it invites the eager scholars. It will say to the people not only, "Come to me," but also, "I am coming to you." It will send forth its trained experts to the homes and shops and factories. It will become the recognized seat of authority concerning social, industrial, and political conditions. It will become for its own community a universal Bureau of Municipal Research. It will be the central office for every organization that is working for social and economic betterment, whether they be civic leagues, chambers of commerce, or trade-unions.

A complete university will be found to comprise at least four collegiate organizations, based upon a common foundation of high-school preparation and introductory elementary studies, closely interwoven with one another, and offering at many points to the student a most valuable facility of transition. These four colleges are:

1. The College of Technology and of Industrial Arts and Sciences.
2. The College of Fine Arts and Design.
3. The College of Liberal Arts.
4. The College of Commercial Studies.

Around the first and third would cluster the great schools of professional instruction which are historically familiar to all. But to these others should be added to satisfy the needs of the modern social organization, until each one of the four fundamental colleges is equipped to give every variety of vocational or cultural training that can be developed from its basal studies. In the accompanying diagram an attempt is made to link each vocational course with the professional course to which it is directly related.

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A COMPLETE MUNICIPAL UNIVERSITY

A TRAINING FOR LIFE AND FOR EVERY OCCUPATION IN THE COMMUNITY

HIGH SCHOOL. *Industrial and Scientific Courses.* College of Technology and of Industrial Arts and Sciences. Scientific Courses. Degree B.S.		HIGH SCHOOL. *Academic Courses.* College of Fine Arts and Design. Scientific and Academic Courses. Degrees B.S. and B.A.		College of Liberal Arts. Academic Courses. Degree B.A.		HIGH SCHOOL. *Commercial Courses.* College of Commercial Studies. Academic and Scientific Courses. Degrees B.A. and B.S.	
Vocational Courses.	Professional Courses. All degrees B.S.	Vocational Courses.	Professional Courses.	Vocational Courses.	Professional Courses.	Vocational Courses.	Professional Courses.
A. Departments of physics and mathematics.		A. Departments of history and philosophy. B. Departments of literature and criticism. C. Departments of sciences and mathematics.		A. Departments of history, politics, sociology, and philosophy. B. Departments of sciences and mathematics. C. Departments of linguistics, literature, and criticism.		A. Departments of history, sociology, and economics. B. Departments of sciences and mathematics. C. Departments of modern language studies.	
1. Surveying and drafting.	1. Civil Engineering.	1. Vocal and instrumental musicians.	1. Theory of music, degree B.S. in music.	1. Extension courses, popular lectures, correspondence school.	1. General studies, degree B.A.	1. Administration: (*a*) Salesmanship. (*b*) Advertisement. (*c*) Office-work, stenography. (*d*) Telegraphy. (*e*) Civil-service employees. (*f*) Contracting.	1. Business management.
2. (*a*) Manufacturing industries. (*b*) Artisan trades and crafts as carpentry and cabinet-making, shoe-making, masonry and brick-laying, blacksmithing machinists' trades, plumbing, use of engines and motors, textile industries.	2. Mechanical engineering.	2. Building.	2. Architecture, degree B.S. in architecture.	2. United States consular service.	2. Law, LL.B. (*a*) International law and diplomacy.	2. (*a*) United States consular service. (*b*) Actuaries and accountants. (*c*) Insurance.	2. Banking, finance, and statistics.
3. Electricians.	3. Electrical engineering.	3. (*a*) Drawing	3. Philosophy or	3 (*a*) United	3. Social and po-		

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		and painting with design. (*b*) Sculpture, modeling, wood-carving. (*c*) Pottery and ceramic art. (*d*) Textile art. (*e*) Work in precious metals. (*f*) Household decoration and domestic art. (*g*) Landscape gardening. (*h*) Municipal construction.	the esthetics; logic, theory and criticism; history and literature; degree B.A.	States consular service. (*b*) Social workers. (*c*) Detective and police work. (*d*) Reporting.	litical science, B.A. (*a*) Sociology and school of philanthropy. (*b*) Eugenics, anthropology, and ethnology. (*c*) Criminology. (*d*) Journalism.	
4. Pilots and shipwrights.	4. Navigation and naval architecture.		4. School of dramatic art, expression, and criticism; degree B.A.	4. (*a*) Physical education. (*b*) Care of playgrounds. (*c*) Janitorial service.	4. Teaching psychology and education, degree B.A.	
B. Departments of chemistry, physics, and biology.						
5. (*a*) Farming and dairying. (*b*) Forestry and lumber. (*c*) Horticulture. (*d*) Fish and fisheries. (*e*) Birds. (*f*) Business-zoology, cattle.	5. Agriculture and forestry.	4. (*a*) Elocution and voice culture. (*b*) Acting. (*c*) Stage management.		5. (*a*) Missionworkers. (*b*) Bible teachers.	5. Theology, B.D.	
6. (*a*) Manufacturing industries. (*b*) Artisan trades and crafts. (*c*) Furs, hides, and leather.	6. Chemical engineering.			6. (*a*) Nursing and hospital service. (*b*) Optometry.	6. Medicine, M.D. (*a*) Surgery. (*b*) Public health and sanitation. (*c*) Pharmacy. (*d*) Dentistry. (*e*) Veterinary medicine.	
7. Household science and economics.	7. Sanitary engineering.					
C. Departments of geography, geology and mineralogy, chemistry and metallurgy.						
8. (*a*) Mining industries. (*b*) Metal-workers.	8. Mining engineering.					
D. Graduate schools of sciences and mathematics. Degrees M.A. and Ph.D.		D. Graduate schools of philosophy of fine arts. The history, ethics, and principles of art. Degrees M.A. and Ph.D.		D. Graduate schools of philosophy, literature, and philology, history and politics and law. Degrees M.A. and Ph.D.		D. Graduate school of business management, efficiency, and finance. Degrees M.A. and Ph.D.

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This correlation suggests not only the desired co-operation between the university staff and the industries of its community, but also the readiness with which students in the university may be directed into precisely that discipline for which their abilities or necessities have destined them. The reference to high schools in the diagram does not imply that the preparatory work should become a part of the university. The intention is only to show how the different kinds of preparatory courses should be related to the different elements in the university organization.

1. Industrial arts and commerce together comprise nearly all the activities of the business world. The university, therefore, that first of all provides research laboratories and educational opportunities for technological and industrial arts and sciences and for commercial life will render the greatest service to the greatest number. It will strike its roots deep into every organized occupation in the community. The adequate equipment of a college of technological and industrial sciences would demand plans of widest scope. They would range from " continuation schools " for artisans who had lacked early opportunities to research schools for the training of experts in the application of technical science to industries. Such departments as those of Agriculture, of Manufactures, of Artisan Trades and Crafts, and of Domestic or Household Arts and Sciences would, each, easily develop into collegiate dimensions.

The departments of Manufacturing Industries and of Artisan Trades and Crafts would manifestly be most complex and also most closely affiliated with one another. The " co-operation classes " so admirably begun at the University of Cincinnati suggest a development which might branch out in many directions. Equally and immediately practical also for any of our Atlantic cities would be the departments of Fish and Fisheries and of Agriculture. Every harbor and every town would furnish experiment stations. No producer needs this kind of expert advice more than the farmer. It becomes the particular function of the university to place at the command of local producers and craftsmen a knowledge of the experience and accomplishment of other communities anywhere on the globe. The great Western State universities have been pioneers in this service. Such a wide yet minute comparative analysis of industries should greatly stimulate effort and invention.

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Moreover, a university that connects its schools of industrial arts and sciences closely with the familiar colleges of technology will possess unique advantages for guiding the individual student in the choice of work. With the least possible friction, without delay, and without duplication of equipment and labor, such a university could train at once the engineer and the artisan for the same industry.

2. With the culture studies of the College of Liberal Arts, no less than with the mathematics and experimental studies of the scientific disciplines, must be affiliated the second of this group of university colleges, the College of Fine Arts and Design. The modes of study and application of the various elements of the esthetic are hitherto usually separate and somewhat unrelated. United and organized as an integral part of university education, they would wield a larger and salutary influence upon the common life. They should exchange helpfulness with the vocational work in the College of Sciences, on the one hand, and with the cultural work in the College of Liberal Arts on the other. The Faculty and studies of a College of Fine Arts manifestly belong to the "City Beautiful." They also should take the lead in creating the City Beautiful. Such a college, closely co-operating with the city government, will utter the authoritative word concerning municipal construction and decoration, and it will produce the artistic and critical workers who know how to plan for the growth of cities in beauty as well as in comfort.

3. The aims and uses of the College of Liberal Arts are already thoroughly defined by the usages of centuries. That college will always serve those who need the vivifying touch of History, Literature, and Philosophy. Its instruction unlocks the largest accumulations of the wisdom of past ages, so that it opens gates at every turn into the fields of the other schools, practical and professional. The "Humanities" are living truth because they are closely related to the interpretations of modern life. The oracles are dumb to the inquiring soul unless they utter such interpretations. The College of Liberal Arts must justify its existence by showing that it is the keeper of light for present-day problems and needs. There is one test of its service: Does it fit the citizen to understand and master its environment? Two reforms should be found in the ideal College of Liberal Arts. First, it should place the highest emphasis in its

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instruction upon the studies that make for character in citizenship, not languages by preference, but rather history and social science and ethics and philosophy. Second, it should give its students such efficient direction in studies that the reproach of idleness would disappear—and with it that excessive devotion to athletic sports which has led so many youth astray. The College of Liberal Arts should never be allowed to degenerate into a group of lecturers addressing audiences. Like the ideal schools of science, it should be a community of fellow-students conducting research and experiment together.

4. Even the captains of industry would be instructed by the fourth in this group of university colleges, the College of Commercial Studies. This should be primarily a School of Administration and Finance. Upon the history, politics, economics, and sociology of the College of Liberal Arts the College of Commerce must be based, just as the Industrial and Technological colleges are founded upon their common relationship to elementary science and mathematics. When Industrial and Commercial courses are thus introduced to full membership in university life, business education will be lifted near the ideal plane. It would be relieved from the disadvantages under which it now rests on account of its monopoly by half-recognized schools, which are managed as strictly money-making enterprises by individual proprietors.

I propose, therefore, a university amply endowed and situated in each one of the great cities of our country that is not yet provided with such a power-house for souls; open all the year round; admitting without difficulty every mature and earnest student who wishes to study in its walls; providing every educational training that any one can desire and expert direction in the choice of studies; placing its trained specialists in applied science in touch with every occupation in the community, and especially with the workers, who should be also students; relating industrial and technological education closely together, carrying the scientific knowledge of the university to the people, farmers, artisans, or manufacturers; opening its doors wide to all the high schools of the city; lifting every so-called "business education" to the university plane of study and achievement and sweeping within its boundaries every kind of advanced professional education; emphasizing the educa-

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tional value of the Fine Arts as well as that of Industrial Arts; becoming the matrix of all the higher directive educational forces and processes for a great urban community and all its suburban dependencies; correcting that half-knowledge which produces class hatreds and on which demagogues thrive; bringing into daily life the "sweetness and light" of the spiritual world and the power of eternal Truth and thus helping to secure the universal reign of Law and Peace and Righteousness.

For the foundation the sum of ten millions of dollars would be requisite. For the further development of the institution twenty-five millions would be needed to provide for immediate growth and at the same time insure permanent endowment funds of adequate amount. The site ought to include as much as fifty acres, and it is obvious that the initial cost would depend largely upon the value of the location selected. A municipal university of the kind here outlined, when once well established, would inevitably attract many students from outside of the city. The problems arising from increasing numbers of students are, it would seem, best solved by subdividing the colleges, so as to insure relatively small classes for instruction and ample opportunities for intimate acquaintance between teachers and pupils. A single faculty ought not to be responsible for more than five hundred students. The division of expanding universities into groups of small and efficient colleges is, of course, not so economical financially as it is wise educationally and morally. That difficulty of reconciling the fiscal fact with the demands of the ideal must be left to the enlightened public spirit and consecrated wealth of the community.

CHARLES H. LEVERMORE.

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NEW BOOKS REVIEWED

THE THREE BRONTËS. By MAY SINCLAIR. Boston and New York: Houghton, Mifflin Company, 1912.

No contribution to literature is more valuable, more packed with the stuff of thought for a true reader of books, than the analysis of a great poet by a great poet, or a great novelist by a great novelist.

This is what we find in May Sinclair's study of Charlotte and Emily Brontë. Poor Anne—gentle, hesitating, submissive, and suffering soul that she was—comes in for very slight treatment. Miss Sinclair moves past the minor sister with a line or two, here and there; a little passing pity and a bit of swift, keen-sighted criticism when she restores to gentle Anne verses which Mr. Clement Shorter too generously presented to Emily.

"My God (oh, let me call Thee mine,
Weak, wretched sinner though I be),
My trembling soul would fain be thine
My feeble faith still clings to Thee."

Although these lines were found in Emily's handwriting, Miss Sinclair is perfectly right in asserting that he must be dull of hearing who does not recognize Anne's quavering voice, as she trembles beneath the Calvinistic thunders in Haworth Parish pulpit. Emily, of the chainless soul, never for a moment even in the face of the Creator of Life, showed cowardice or cringing. Her sense of the universal belonged to another species. "Life," she sings—

"Life—that in me has rest,
As I—undying Life—have power in thee."

She knows herself the vessel of eternal being which momentarily pauses in her temporary temple while she exercises power in infinity. Could any astute critic admit the "trembling soul" and "feeble faith" as belonging to her who sings:

"Vain are the thousand creeds
That move men's hearts; unutterably vain;
Worthless as withered weeds,
Or idlest froth amid the boundless main,

"To awaken doubt in one
Holding so fast by thine infinity.

. . . . . .

"There is no room for death
Nor atom that his might could render void;
Thou—thou are being and breath
And what thou art may never be destroyed."

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Since Mrs. Gaskell's *Life of Charlotte Brontë* and Maeterlinck's eloquent tribute to Emily in *Wisdom and Destiny,* which last Miss Sinclair writes she has "unblushingly 'lifted,'" no one has more clearly and adequately dealt with the great trio of sisters. Not once does Miss Sinclair's right instinct fail her in this beautiful appreciation. She understands and sets forth Charlotte's method and inspiration as could one only who shared the same inspiration and practised the same art; she feels Emily's power as one who has felt in the same kind; and it is important to add that she lays her finger on the very heart of Emily's mysticism as could only an initiate. This latter fact recalls to memory certain acknowledgments made to Miss Sinclair in Evelyn Underhill's fine volume on Mysticism.

As to Charlotte, Miss Sinclair's great service is the clearing away of rubbish and gossip, the tracing to its true source, her finer inspiration and her splendid vindication of Charlotte's women, her prophetic vision of the submerging of the futile and vain mid-Victorian type and the survival of a braver and nobler woman.

In setting aside the idle gossip of a love-affair which wakened Charlotte Brontë's powers, Miss Sinclair says the great thing to realize is that "it is always the inner life that counts, and with the Brontës it supremely counted." It counted and accounted indeed for almost everything. Because Charlotte Brontë wrote a novel about a little French professor in love, the critics must necessarily try to build up a gossiping romance about her relations to M. Héger. "It may be," says Miss Sinclair with fine irony, "that I have no more authority for my belief that Emily Brontë was in love with the Absolute than the other people have for theirs that Charlotte was in love with M. Héger." Miss Sinclair quotes from a letter of Charlotte's written in Brussels at the time when her passion was supposed to be at high-water mark. She writes, "I lead an easeful, stagnant, silent life." "May I point out," asks the unerring psychologist in Miss Sinclair, "that you may be 'silent' in the first workings of a tragic and illegitimate passion, you are not 'stagnant' and certainly not 'easeful.'"

Not M. Héger in the French *Pensionnat* and a futile passion taught Charlotte Brontë to turn her genius free upon the reproduction of life. Charlotte could be inspired, but she was not easily taught. Her schoolmistresses, indeed, taught her to "indite," "peruse," and "retain" where she had much better have "written," "read," and "kept," and doubtless M. Héger corrected her French syntax, but her genius was awakened by reading her untrammeled sister's *Wuthering Heights.* This discovery is Miss Sinclair's most valuable and entirely original contribution to Brontë biography. Miss Sinclair, who knows so well that the great event is in the inner life, knows also what a high adventure is the reading of a great and vitalizing book. After the "strange grayness" of the *Professor,* the "stillness and grayness of imperfect hearing, imperfect seeing," Charlotte Brontë suddenly awakens and produces a book pulsing with vitality. Through whatever flaws of method and of style, the life, sincerity, reality, of the book breaks. The critics, amazed, search the biographical data for an event to account for the sudden blossoming. Miss Sinclair shows conclusively that the event was spiritual. It was not a French professor who awakened the genius's soul; it was a book. It was Emily, who knew none

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of the "cold deliberations born of fear"; whose own book was the fruit of a divine freedom, a divine unconsciousness," who lifted her sister to the plane where she too could freely use her powers. "The experience may seem insufficient," says Miss Sinclair, and adds, authoritatively, "it is of such experiences that a great writer's life is largely made." For this insight, this fact so self-evident, once it is pointed out, all readers of Charlotte Brontë owe Miss Sinclair a debt of deep gratitude, as well as for her discriminating, fine-seeing analysis of Charlotte's development of style, method, and spirit.

The eulogy of Emily Brontë surpasses any that has yet been accorded that great, unacclaimed writer. If Swinburne has praised her exuberantly and Maeterlinck exquisitely, May Sinclair has sung her truly, proving her praise as she sings. She has paused at the very passages, the lines, the attitudes which give the "unapproachable, the unique and baffling quality of her temperament and of her genius."

"Born with a profound, incurable indifference to the material event," chary of alien and external contacts, self-sufficing and heroic, there came to her "nothing of all that passes in love, sorrow, passion, or anguish; still did she possess all that abides when emotion has faded away." Emily Brontë was of those souls born complete who do not realize their being through contact with external reality. *She was.* She lived and thought and produced splendidly aloof from the stream of circumstance.

If we would, as critic, desire to find flaws in a book so remarkable as this, we should say that Miss Sinclair was perhaps somewhat too scornful of Anne's gentle and submissive spirit. And it might be pointed out that the method of repetition used especially in the first half of the book, the continual refrain of "their destiny," "their happiness," belongs rather to the method of poetry than of prose.

Still no critic need fear to say of Miss Sinclair's book that it is one of the most vital and splendid achievements of literary appreciation and analysis of our times.

ESSAYS IN RADICAL EMPIRICISM. By WILLIAM JAMES. New York: Longmans, Green & Company, 1912.

"Life is confused and superabundant, and what the younger generation appears to crave is more of the temperament of life in its philosophy, even though it were at some cost of logical vigor and formal purity."

These words are from the second of the essays that make up this closing volume of the contribution of William James to the thought of his times. They are the words of one who, when he wrote them, was of the older generation, but to his genial spirit the passing years but added to that temperament of life which marked him for its own. Thus it is that the younger generation will increasingly look to the writings of Mr. James for the chartings of the intellectual adventures by which to find satisfaction for their cravings.

The volume brings together a dozen essays from the various philosophical and technical journals in which they were originally printed. More than is the case with any other of his works, the appeal is to his professional colleagues, to those whose interest in philosophy is specialized.

The first five of the articles composing the volume furnish the only

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consecutive account, even in bare outline, of the philosophy of *Radical Empiricism,* which more and more absorbed the mind of Mr. James in his latter years. Doubtless his popular philosophical repute will be identified with his Pragmatism, but Mr. James himself esteemed pragmatism as of secondary importance, chiefly significant, indeed, as preparing the way for a philosophy of pure experience.

The aim of the essays that set forth radical empiricism is constructive. But they build a method to be used rather than a system to be accepted. The method proposed is almost revolutionary; and revolutionary because of its simplicity. Mr. James refers to the "Privilege which society grants to all us philosophers of being puzzle-headed." Certainly it often seems as if some philosophic debates were continued only because of an implicit convention, on both sides, to ignore primary facts. To the most primary facts, the facts of experiences just as they come, unsophisticated by cataloguings and classifyings, Mr. James invites philosophers to turn. But the simplicity of this method is its difficulty. Persons of culture are steeped in modes of thought which they take to be parts of their direct experience. Uncultured persons can neither detect nor record what they experience. Perhaps the final word as to the real uses of philosophy brings us back to a primitive *naïveté* of experience but with an additional clearness of vision and an additional grace of expression. In the degree to which philosophy travels this road, it will have learned the lesson of Mr. James's *Radical Empiricism*—and as this lesson is learned the hateful bars that divide philosophy from art will be broken down. For, as Mr. James's own writings evidence, a philosophy which is itself a clarified intensity of sympathy with life as it is lived perforce expresses itself in noble and vital forms.

The gallant candor of the thinking of Mr. James never appeared to better advantage than in this volume addressed to his professional colleagues. He throws, he says, his description of experience "into the bubbling vat of publicity, where, jostled by rivals and torn by critics, it will eventually either disappear from notice, or else, if better luck befall it, quietly subside to the profundities, and serve as a possible ferment of new growths or a nucleus of new crystallization." We cannot think so meanly of contemporary philosophy as not to see in these essays a permeating ferment for wonderful and unpredictable new growths. The brevity of the description awakens thoughts of what might have been had Mr. James lived to fill in the account. Yet so composed and clear is the sketch that there is no touch of the pathos of incompletion. It is the world's loss that, save for Mr. James's correspondence, naught now remains of his literary achievement to be published. But the outstanding figure remains one of the most singularly precious of the spiritual possessions of America.

Famous Castles and Palaces of Italy. By Edmund D'Auvergne. New York: Charles Scribner's Sons, 1912.

A handsome and interesting volume is this first English book on the castles of Italy. Italy has been written up more thoroughly than any other country, not excepting Greece. But thorough as have been the published accounts of cathedrals, churches, cities, history, people, civili-

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zation, this volume is, so far as we can ascertain, the only English account of the castles. It might also be regarded as a history of man's inhumanity to man or as the forerunner to the history of modern jails. It was as a development of the camp or Roman *castrum* that the medieval castle sprang into being. Less uniform than the Norman castles of England, the Italian castles show not only their natural descent from the Roman stronghold, but the influence of French, German, Norman, Spanish, Saracenic invaders, and to them are linked the stories, legends, and traditions of the great families of Italy—of the D'Estes, Malatestas, Gonzagas, Fransceschini, Estensi, with all their internecine strife and jealousy. Abodes of terror as of valor, these castles were all founded on the necessity of having accessible and to hand torture-chambers for the enemy. In the castle of Sant' Angelo, the author describes on the side by the water, deeply rooted in the rock, a long series of vaults used indifferently for dungeons or storerooms. Many of these are circular cells *entered only by a trap-door from above, with blades projecting upward* and outward from the walls.

The author begins with the castles in and about Rome, moving slowly toward Naples, then to Swabian and Norman castles of Apulia, northward to Canossa, the castles in the valley of Aosta, the three great castles of Florence—Romena, Poppi, and Poggia. Then he moves to the castle at Pavia and at Milan, Ferrara, the strongholds of the Malatestas at Rimini, Ancona, Fano, Fossombrone, Ascoli, Pesaro, Cesena, and San Archangelo, ending with Mantua and Urbino. The book has enough architectural detail to be valuable, but in the main the author has designed his book as a guide to the curious itinerant who enjoys historical associations with his art and architecture. Dante and the friends whom he consigned to Inferno wander through many of these castles, and one only wishes that the Browning allusions might have been as carefully noted. With no little humor the author tells such grim stories as that of the Torre de' Diavoli in the principal seat of the Guidi in Poppi. Here the likeliest youths of Poppi were lured by Donna Telda, the beautiful widow of one of the counts, who when she tired of them dropped them into a subterranean chamber. Ultimately, however, the people of the town, enraged at thus losing the flower of their youth, seized the countess and starved her to death in her own tower. Her spirit still lingered about the place, and the wild recriminations of the ghosts who met her gained the tower its name.

There is the tale, too, of the God-fearing Francesco Alessandri, who liked to hear mass when he returned from the chase to his castle, Vincigliata. Arriving once, however, to find that the priest had begun mass before his arrival, he slew the unhappy celebrant at the altar, since which deed a curse has been upon the house, and the Parish register records that it has been uninhabited since 1751, but holy water is sprinkled over the chambers every Easter. For those who are interested in the most romantic civilization and times of all history, this book explores a new and fertile field.

WHERE HALF THE WORLD IS WAKING UP. By CLARENCE POE. New York: Doubleday, Page & Company, 1912.

Mr. Clarence Poe has lately published under the title of *Where Half*

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the World is Waking Up a series of letters written during his recent trip through Japan, Korea, Manchuria, China, the Philippines, and India, to the *World's Work*, the *Review of Reviews*, and his own paper, *The Progressive Farmer*.

Each letter comes directly from the country described and bears the imprint of the fresh and vigorous pen of a journalist trained to catch the color and action of a moving world for the hurried reader. Mr. Poe was reporting for these periodicals no mere sight-seeing trip. In each district he sought out men of high standing and political or commercial importance, and with them as a source of information, backed by careful study of census reports and other authoritative publications, and by close observation of temples, factories, schools, farms, and buildings, he wrote his account home. Blessed with a mind quick to take impressions and draw comparisons, Mr. Poe often jumps from a description of romantic and fascinating scenery to discussions, elementary indeed, and of necessity, of social and industrial problems. With real earnestness he appeals to young America to stand ready to act as guide to the enfeebled East as she awakens from her Rip Van Winkle sleep of centuries, and to accept from her, too, such valuable lessons as she has to give.

He writes with enthusiasm of that system in Japan which enrolls ninety-eight per cent. of the children between six and fourteen years in school for an annual term of ten months and for a compulsory term of eight years, of the co-operative credit societies in Japan and India which aid the sick, aged, or hard-pushed farmer and merchant; of the general thrift, especially of the farmer, who cultivates his small acreage so intensively and fertilizes so painstakingly that it is kept continuously producing without exhaustion; of the moral achievement of the Chinese in their brave fight against the vice of opium-smoking; and of other signs of progress too numerous to cite.

He sounds anew the warning of President McKinley as to the necessity of the continued integrity of the Chinese Republic. The natural resources of Manchuria are boundless, and if, through the indifference of the Powers, Japan be permitted much longer to violate with safety the terms of the treaty of Portsmouth, he feels sure a serious menace to commercial rights in Asia will arise in the form of Japanese aggression.

The morals which Mr. Poe draws for America may be summed up in the one word, "Conservation." Conservation of our natural resources, especially of the forests as a safeguard against the draughts and floods so destructive in China; conservation of our racial strength through improved methods of education and progressive labor legislation; conservation of commercial opportunities and industrial production; and, above all, conservation of the things of the spirit, which make for courage, discipline, and honor.

THE CHINESE AT HOME. By J. DYER BALL. New York: Fleming, Revell & Company, 1912.

Mr. J. Dyer Ball has well named his latest book *The Chinese at Home*. By right of an intimate acquaintance with the people through more than a score of years' experience in the English courts of justice of China, Mr. Ball has drawn faithful pictures of John Chinaman, not only in

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the seven ages of man known to our Western world, but in that peculiarly Oriental eighth scene of the Chinaman who by death has been translated into an ancestor. With the greatest detail Mr. Ball introduces us to the Chinaman in sickness and in health, on land and afloat, indoors and out-of-doors, at work, at worship, and at play. He describes and interprets the meaning of his dress, his ceremonies, his laws, his many languages, and his religion. Yet the author has manipulated this really tremendous mass of material with a skill which makes his book delightful reading. The book is illustrated by good photographs and curious colored plates by Chinese artists that do their part to stimulate the imagination of the reader. Mr. Ball has a high opinion of the Chinaman as an individual. He considers him painstaking, persevering, long-suffering, and adaptable, an untiring toiler living in a civilization like that of the European Middle Ages. In fact, Mr. Ball considers the Chinaman a desirable figure in the industrial world despite of his different standards of morality and living and of his non-settling qualities. He regards the "Yellow Peril" as a distorted vision of what in the case of the Straits Settlement has been a golden blessing.

Mr. Ball has consistently avoided the introduction of too much Chinese history and economics in his book except as they bear upon the minds and habits of the people. This is fortunate, for since the writing of the book a tremendous change has swept over China, wiping out the old, tradition-bound Empire and creating a new and progressive Republic. As an exposition of Chinese character and life Mr. Ball's book must continue to hold a high place; whereas as history it already needs revision.

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